



1 **DEEPAK MOORJANI**  
2 (Plaintiff In *Pro Per*)  
3

4 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
5 **FOR THE COUNTY OF SAN DIEGO**

6 Deepak Moorjani  
7 Plaintiff,

8 vs.

9 Seema Moorjani; Sunil Moorjani; and all  
10 persons known and unknown, claiming any  
11 legal or equitable right, title, estate, lien, or  
12 interest in the property described in the  
13 complaint adverse to plaintiff's title, or, any  
14 cloud upon

15 Defendants

) Case No.: 37-2021-00033119-CU-OR-CTL  
) **PLAINTIFF'S NOTICE OF MOTION AND**  
) **MOTION TO DISQUALIFY ATTORNEY**  
) **JOHN ALESSIO AND THE LAW FIRM OF**  
) **PROCOPIO, CORY, HARGREAVES &**  
) **SAVITCH LLP, MEMORANDUM OF**  
) **POINTS AND AUTHORITY, AND**  
) **DECLARATION OF PLAINTIFF IN**  
) **SUPPORT OF MOTION TO DISQUALIFY**  
) **OR RECUSE.**  
)  
) **Dept: C-65**  
) **Judge: Hon. Ronald F. Frazier**  
) **Complaint Filed: August 4, 2021**  
) **Motion Hearing Date: May 13, 2022**  
) **Trial Date: Not yet set**  
) **(Expedited ruling requested)**

16  
17 **TO THE COURT, DEFENDANTS AND THEIR ATTORNEY ON RECORD:**

18 NOTICE IS HEREBY GIVEN that on May 13, 2022 at 8:30am or as soon thereafter as the matter  
19 can be heard in Department **C-65** of this Court, Plaintiff **Deepak Moorjani** (Proceeding *In Pro Per*)  
20 hereby does move the Court for an order disqualifying Attorney John D. Alessio ("Alessio"), Attorney  
21 Zagros S. Bassirian ("Bassirian"), and the law firm of Procopio, Cory, Hargreaves & Savitch LLP  
22 ("Procopio") in this matter for an impermissible conflict of interest and possession of confidential  
23 information.  
24

25 This motion is not brought in bad faith, and is not interposed for an improper purpose or for  
26 harassment or delay in proceedings. Therefore, an expedited ruling is requested to ensure the prompt  
27  
28



1 administration of justice without unnecessary delay to any party.

2 This Motion is brought under the extant California Rules of Professional Conduct and is based on  
3 this Notice of Motion and Motion to Disqualify, Memorandum of Points and Authorities, the Declaration  
4 of Plaintiff in support of this Motion and the exhibits and pleadings on file in this action, and such other  
5 papers, pleadings, and arguments as this Court shall admit.  
6

7  
8  
9 Respectively submitted on December 03, 2021 in the State of California.  
10

11   
12

13 **DEEPAK MOORJANI**  
14 (Plaintiff In *Pro Per*)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## MEMORANDUM OF POINTS AND AUTHORITY

### A. SUMMARY OF MATERIAL FACTS

Subsequent to this Complaint, Plaintiff has severally disclosed to Defendants in various correspondence that this is an Elder Abuse case in which Ms. Zubeida Moorjani is the victim. Attorney Alessio and the law firm of Procopio, Cory, Hargreaves & Savitch LLP have gained an advantage; it is beyond dispute that Attorney Alessio and the law firm of Procopio have directly and indirectly obtained confidential information from Ms. Zubeida Moorjani and Plaintiff.

Attorney Alessio and the law firm of Procopio, who directly or indirectly “heard both sides of the story” and then conveyed it to Defendants Seema Moorjani and Sunil Moorjani, can no longer represent Defendants Seema Moorjani and Sunil Moorjani. Ms. Zubeida Moorjani is the victim of Elder Abuse in this action involving the Plaintiff.

Specifically, Plaintiff has made numerous mentions of Elder Abuse in Notices to Defendants and their Attorneys which preceded the filing of the First Amended Complaint. Attorney Alessio received these Notices - as shall be indicated below - through the representation of Defendants, and Attorney Alessio reviewed the correspondence served on Defendants Seema Moorjani and Sunil Moorjani regarding the Elder Abuse of Ms. Zubeida Moorjani; however, Attorney Alessio has represented Ms. Zubeida Moorjani.

Two examples illustrate this point: (i) on January 09, 2019, Plaintiff delivered “The January 09, 2019 Plan A” letter to Defendant Sunil Moorjani regarding the relocation of the Elder Abuse victim Ms. Zubeida Moorjani to her house in California and Plaintiff also provided a warning to desist from Elder Abuse, and (ii) on May 20, 2021, Plaintiff sent a “Notice of Elder Abuse” to Defendant Seema Moorjani.



1 On August 4, 2021, Plaintiff filed the substantive Complaint before this court. On September 21,  
2 2021, Attorney Alessio and the law firm of Procopio delivered a Meet and Confer re Demurrer as legal  
3 counsel to Ms. Zubeida Moorjani and the other Defendants. The parties met and conferred regarding the  
4 Defendants' intended Demurrer to the Complaint. On October 22, 2021, a Stipulation and [Proposed]  
5 Order was made for the Plaintiff to file a First Amended Complaint no later than November 23, 2021.  
6

7 On November 18, 2021, Plaintiff filed the First Amended Complaint with the San Diego Superior  
8 Court via USPS Certified Mail. On November 19, 2021, Plaintiff served a copy of the First Amended  
9 Complaint to Defendants Seema Moorjani and Sunil Moorjani via USPS Certified Mail. On December  
10 02, 2021, Plaintiff served a copy of the First Amended Complaint to Attorney Alessio of Procopio via  
11 USPS Certified Mail. Plaintiff amended the parties by removing the Elder Abuse victims Zubeida  
12 Moorjani and Gulab Moorjani as co-defendants. Further, Plaintiff dropped Floradeliza Moorjani and  
13 Jaswant Moorjani in the First Amended Complaint as co-defendants, and Plaintiff preserved Defendants  
14 Seema Moorjani and Sunil Moorjani as the remaining Defendants.  
15

16 It is on record that in both the substantive Complaint and the First Amended Complaint, Plaintiff has  
17 made further reference to facts constituting the Elder Abuse of Zubeida Moorjani and Gulab Moorjani  
18 by Defendants Seema Moorjani and Sunil Moorjani. These facts constituting Defendants Seema  
19 Moorjani and Sunil Moorjani's Elder Abuse were incorporated in both the substantive and Amended  
20 Complaints which include but are not limited to (i) Financial exploitation of \$230,000 in promissory  
21 notes which currently have a repayment value of approximately \$1,021,900 with interest compounded  
22 monthly at an annual interest rate of 5% (~358 months) as lawfully allowed; (ii) Claim of sole title and  
23 sole interest in 11881 Cypress Valley Drive, San Diego, CA 92131 (Property TWO\*), thereby forcing  
24 Ms. Zubeida Moorjani to live in a rented apartment in an adult-living community (e.g. Paradise Village);  
25 (iii) Ongoing acts of Neglect, Isolation, and Mental Abuse of Ms. Zubeida Moorjani which have resulted  
26  
27  
28

1 in her failing health condition; and (iv) Changing Mother's cellphone number in order to isolate Mother  
2 for further exploitation.

3 Again, Plaintiff also made very clear both in the substantive Complaint and the First Amended  
4 Complaint that - prior to filing the Complaint - he contacted Adult Protective Services ("APS") on May  
5 25, 2021 in two jurisdictions (San Diego County, California and Lucas County, Ohio) based on (i)  
6 Mother's inability to manage her finances, (ii) Defendants Seema Moorjani and Sunil Moorjani's  
7 exploitation of Mother's assets, (iii) Mother's recent hospitalization (e.g. broken pelvis), and (iv) the  
8 failure of Defendants Seema Moorjani and Sunil Moorjani to participate in previous interventions  
9 subsequent to the January 08, 2019 suicide red flag (e.g. The January 09, 2019 Plan A and the December  
10 30, 2019 10-Day Plan).  
11

12 The Court should pay special attention to conflict of interest, since Ms. Zubeida Moorjani has  
13 previously demonstrated an inability to recognize the issue.  
14

15 Attorney Alessio and the law firm of Procopio are subject to disqualification on the grounds of  
16 impermissible subsequent adverse representation where the firm previously represented Ms. Zubeida  
17 Moorjani in this matter as a defendant; however, Ms. Zubeida Moorjani is the victim of Elder Abuse.  
18

19 Moreover, Attorney Alessio and his team received confidential information from Ms. Zubeida  
20 Moorjani and Plaintiff concerning the facts and circumstances of this pending litigation. Two instances  
21 are described herein: (i) On October 07, 2021, Plaintiff sent a Demand letter to Attorney Brigid Heid of  
22 Eastman & Smith with a request to deliver information on Attorney Frank Jacobs, and Attorney Alessio  
23 and his team disclosed possession of this October 07, 2021 confidential letter in an October 12, 2021  
24 email to Attorney Oriet Cohen-Supple. Attorney Frank Jacobs is a tax and legal advisor to Ms. Zubeida  
25 Moorjani, and he has faced disciplinary action for professional misconduct (*Disciplinary Counsel v.*  
26 *Jacobs, 109 Ohio St.3d 252, 2006-Ohio-2292*). [Note: The October 12, 2021 Procopio email also  
27  
28

disclosed Procopio's possession of a confidential letter to Defendant Seema Moorjani relating to legal guardianship of Ms. Zubeida Moorjani]. (ii) On August 31, 2021, Plaintiff sent a request to Sueja Kummar to disclose commissions, fees and other revenue generated as a tax advisor and financial consultant to Ms. Zubeida Moorjani. Attorney Frank Jacobs and Sueja Kummar have financially exploited Mother and have actively capitalized on Mother's lack of competence in her finances.

From the forgoing, Plaintiff and Ms. Zubeida Moorjani have lost confidence in Attorney Alessio and the law firm of Procopio, Cory, Hargreaves & Savitch LLP because of the adversarial nature of the relationship that Procopio have created. Plaintiff is beyond a crisis in confidence; the situation is untenable, unworkable and unsalvageable as there is the likelihood of a conflict of interest.

It was clear that Attorney Alessio's interests were in conflict with this Complaint by virtue of its amendments and also to the fact that Procopio have received notices that this complaint is for Elder Abuse; however, Attorney Alessio has represented Ms. Zubeida Moorjani. The taint of this conflict creates serious ethical concerns impacting the rights of Ms. Zubeida Moorjani and Plaintiff.

## **B. ARGUMENT.**

### **i. Non-Client Can Bring a Motion to Disqualify**

Plaintiff hereby incorporates by reference each of the paragraphs set forth above in the summary of facts as though fully set forth hereinafter.

In California, the legal standard is that a party seeking to disqualify an attorney does not need to be a current or former client of such attorney to have standing to bring such a motion. *Meza v. Muelstein & Co., Inc.* (2009) 176 Cal.App.4th 969, 980-981 (affirming disqualification of plaintiff's firm brought by nonclients of side-switching attorney where firm had hired an attorney who worked for defense counsel on same group of cases, because common-interest privilege allowed any of co-defendants to make such



1 a motion since they had shared information while this attorney was working on defense side); *see also*  
2 *Acacia Patent Acquisition, LLC v. Superior Court* (2015) 234 Cal. App.4th 1091, 1098-1099 (“There are  
3 exceptions to the general rule that an attorney has no duty to preserve the confidences of nonclients . . .  
4 A conflict of interest can . . . arise because of specific obligations, such as the obligation to hold  
5 information confidential, that the lawyer has assumed to a nonclient.”) (internal quotations omitted);  
6 *O’Gara Coach Co. LLC v. Ra* (2019) 30 Cal.App.5th 1115, 1126; *Roush v. Seagate Technology, LLC*  
7 (2007) 150 Cal.App.4th 210, 219; *Kennedy v. Eldridge* (2011) 201 Cal.App.4th 1197, 1205  
8 (disqualification of grandfather/attorney (i.e. ex-spouse’s father) on motion of mother in custody dispute  
9 affirmed even though movant had never been grandfather’s client).

10  
11 Indeed, case law abounds with examples of orders disqualifying counsel that have not been the  
12 product of motions by present or former clients.” *Kennedy v. Eldridge*, 201 Cal.App.4th at 1204-05 (“It  
13 makes no sense for a court to stand idly by and permit conflicted counsel to participate in a case merely  
14 because neither a client nor former client has brought a motion.”).

15  
16  
17 **ii. Attorney John D. Alessio’s Violation of California Rules of Professional Conduct 3-600**

18  
19 **Warrants Disqualification**

20 Plaintiff hereby incorporates by reference each of the paragraphs set forth above in the summary of  
21 facts as though fully set forth hereinafter.

22 California Rules of Professional Conduct 3-600 provides in pertinent part:

23  
24 (A) *In representing an organization, a member shall conform his or her*  
25 *representation to the concept that the client is the organization itself, acting*  
26 *through its highest authorized officer, employee, body or constituent*  
27 *overseeing the particular engagement, ...*  
28

1 (D) In dealing with an organization's directors, officers, employees,  
2 members, shareholders, or other constituents, a member shall explain the  
3 identity of the client for whom the member acts. wherever it is or becomes  
4 apparent that the organization's interests are or may become adverse to  
5 those of the constituent(s) with whom the member is dealing. The member  
6 shall not mislead such a constituent into believe that the constituent may  
7 communicate confidential information to the member in a way that will not  
8 be used in the organization's interest if that is or becomes adverse to the  
9 constituent. (Cal. Rule of Prof Conduct 3-600 [emphasis added].)  
10

11 A trial court's authority to disqualify an attorney derives from the power inherent in every court to  
12 control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any  
13 manner connected with a judicial proceeding before it, in every matter pertaining thereto." (Code Civ.  
14 Proc., § 128, subd. (a)(5); *People ex rel. Clancy v. Superior Court* (1985) 39 Cal. 3d 740, 745 [218 Cal.  
15 Rptr. 24, 705 P.2d 347].  
16

17 In light of the foregoing, Attorney Alessio's violation of California Rules of Professional Conduct 3-  
18 600 warrants disqualification.  
19

20  
21 **iii. Plaintiff has Shown Directly or by Reasonable Inference that Challenged Attorney**  
22 **Acquired Material Confidential Information.**  
23

24 Plaintiff hereby incorporates by reference each of the paragraphs set forth above in the summary of  
25 facts as though fully set forth hereinafter.  
26  
27  
28

1 For disqualification purposes, the moving party must show directly or by reasonable inference that  
2 the challenged attorney acquired material confidential information. *Med-Tans Corp. v. City of California*  
3 *City* (2007) 156 Cal.App.4th 655, 668.

4 The moving party can do so directly by showing that the challenged attorney “actually possesses  
5 [material] confidential information.” *H. F. Ahmanson & Co. v. Salomon Bros., Inc.* (1991) 229  
6 Cal.App.3d 1445, 1452. But this is not required. Indeed, “it is well settled actual possession of  
7 confidential information need not be proved in order to disqualify the former attorney” -- rather -- “it is  
8 enough to show a ‘substantial relationship’ between the former and current representation.” *Id.*

9 In light of the above, Plaintiff does not have to reveal the specific material confidential information  
10 which was shared in order to prevail but to show that the context in which the communications occurred  
11 makes it reasonably probable that material confidential information would be shared.  
12  
13  
14

#### 15 **iv. Violation of Rule of Professional Conduct 3-310 and Common Law Warrants**

##### 16 **Disqualification**

17 Plaintiff hereby incorporates by reference each of the paragraphs set forth above in the summary of  
18 facts as though fully set forth hereinafter.  
19

20 California Rules of Professional Conduct 3-310 provides in pertinent part:

21 *(B) A member shall not concurrently represent clients whose interests*  
22 *conflict, except with their informed written consent.*  
23

24 A trial court may disqualify a party's counsel to enforce ethical standards governing attorney conduct,  
25 (*People ex rel Dept of Corporations v. Speedee Oil Change Systems, Inc.*, (1999) 20 Cal.4th 1135, 1143-  
26 1144.) Professional ethics demand that an attorney avoids conflicts of interest in which duties owed to  
27  
28



different clients are in opposition. (*Flatt v Superior Court* (1994) 9 Cal.4th 275, 282; Cal. Rule of Prof Conduct 3-310(c)).

Further:

*[A] conflict of interest ... may arise from an attorney's relationship with a non-client. Such a conflict of interest may arise...where an attorney's relationship with a person or entity creates an expectation that the attorney owes a duty of fidelity. It may also arise...where the attorney has acquired confidential information in the course of such relationship which will be, or may appear to the person or entity to be, useful in the attorney's representation of an action on behalf of a client. (Allen v. Academic Games Leagues of America, Inc. (1993) 831 F.Supp, 785, 788, citing William H Raley Co. v. Superior Court (1983) 149 Cal.App.3d 1042, 1046-1047.)*

Also, an attorney may be disqualified when it has received confidential information outside an attorney-client relationship. Typically, a fiduciary or quasi-fiduciary relationship must exist between the attorney and the opposing party or between the attorney and the confidential information. (*Morrison Knudsen Corp v, Hancock, Rothert & Bunshortf LLP* (1999) 69 Cal.App,4th 223, 232-235.)

Even a non-client has standing to move for per se disqualification of an attorney when the non-client has a personal stake in the motion because the “ethical breach so infects the litigation in which disqualification is sought that it impact the moving party's interest in a just and lawful determination” of the claims at issue, (*Concat LP v Unilever, PLC* (N.D. Cal. 2004) 350 F,Supp.2d 796.) Even potentially adverse interests have been deemed sufficient to trigger attorney disqualification, (*Flatt, supra*, 9 Cal.4th at 282-284.)

1 It is beyond dispute that Attorney Alessio and the law firm of Procopio have directly and indirectly  
2 obtained confidential information from Ms. Zubeida Moorjani and have gained an advantage. Attorney  
3 Alessio and his law firm have directly or indirectly “heard both sides of the story” and have then  
4 conveyed it to Defendants Seema Moorjani and Sunil Moorjani.

5 Attorney Alessio can no longer represent Ms. Zubeida Moorjani who is the victim of Elder Abuse in  
6 this action involving Plaintiff.  
7

8 Whether Attorney Alessio was acting in an official capacity or acting in an individual capacity,  
9 Attorney Alessio and the law firm of Procopio had the potential to become adverse to Zubeida Moorjani,  
10 Plaintiff and the interest of justice.  
11

12 Moreover, Attorney Alessio and the law firm of Procopio have collectively participated as attorneys  
13 for Defendants Gulab Moorjani, Seema Moorjani, Sunil Moorjani, and Zubeida Moorjani subsequent to  
14 the October 22, 2021 Stipulation and [Proposed] Order to file a First Amended Complaint – even though  
15 it was clear that Attorney Alessio’s interests were in conflict with this Complaint by virtue of its  
16 amendments and to the fact that he has received Notices that this complaint is for Elder Abuse; however,  
17 Attorney Alessio has continued with representation. The taint of this conflict creates serious ethical  
18 concerns impacting the rights of Ms. Zubeida Moorjani and Plaintiff.  
19

20 Further, even if Ms. Zubeida Moorjani did not officially retain Attorney Alessio to represent her, but  
21 still proceeded to make statements to her, those statements are privileged whether or not actual  
22 employment ensues. (*Benge v Superior Court* (1982) 131 CaLApp.3d 336, 345 [a person may discuss  
23 legal issues with an attorney for the purpose of obtaining advice or representation, and the statements  
24 made are privileged whether or not actual employment ensues]; see also Cal. Evid. Code §951.)  
25

26 Clearly, a conflict of interest exists for which Attorney Alessio and the law firm of Procopio must  
27 be disqualified from representing Defendants.  
28

1           **v. Attorney John D. Alessio's Disqualification Should Be Imputed to the law firm of Procopio,**  
2           **Cory, Hargreaves & Savitch LLP which must be disqualified**

3           Plaintiff hereby incorporates by reference each of the paragraphs set forth above in the summary of  
4 facts as though fully set forth hereinafter.

5           When a conflict of interest requires an attorney's disqualification from a matter, the disqualification  
6 normally extends vicariously to the attorney's entire law firm, (See *Flattv, Superior Court* (1994) 9  
7 Cal.4th 275, 283.)

8           This rule safeguards clients' legitimate expectations that their attorneys will protect client  
9 confidences, (*Speedee Oil Change, supra*, 20 Cal 4th at 1139.) The individual attorney's disqualification  
10 extends to his or her entire law firm. (Id at 1146.) "When attorneys presumptively share access to  
11 privileged and confidential matters because they practice together in a firm, the disqualification of one  
12 attorney extends vicariously to the entire firm, [Citation]. The vicarious disqualification rule recognizes  
13 the everyday reality that attorneys, working together and practicing law in a professional association,  
14 share each other's, and their 24 clients', confidential information." (Id. at 1153- 1154.) See *Flatt v.*  
15 *Superior Court* (1994) 9 Cal. 4th 275, 283 [36 Cal. Rptr. 2d 537, 885 P.2d 950]. (Flatt.)

16           Vicarious disqualification not only preserves the confidentiality of client information, it preserves  
17 public confidence in the legal profession and the judicial process by enforcing the attorney's duty of  
18 undivided loyalty. (Id. at 1146; see also *Flatt, supra*, 9 Cal.4th at 285; *Cho v. Superior Court* (1995) 39  
19 Cal.App.4th 113, 125.)

20           Here, Attorney Alessio, a named partner in the law firm of Procopio, Cory, Hargreaves & Savitch  
21 LLP, cannot be screened with an ethical wall.

22           As a principal at the law firm, many other partners and associates have worked with him on this Elder  
23 Abuse case including but not limited to Attorney Bassirian et al. who may have provided research  
24  
25  
26  
27  
28



1 assistance or facilitated Attorney Alessio's representation of Ms. Zubeida Moorjani. Shared information  
2 among attorneys is likely. The answer is apparent: Attorney Alessio's disqualification extends to his  
3 entire law firm (*City of Santa Barbara v. Superior Court* (2004) 122 Cal.App.4th 17, 23-24.).  
4

5 **vi. Defendants Seema Moorjani and Sunil Moorjani Would Not Be Prejudiced by the**  
6 **Disqualification of Attorney John D. Alessio and the Law Firm of Procopio, Cory, Hargreaves &**  
7 **Savitch LLP.**  
8

9 Plaintiff hereby incorporates by reference each of the paragraphs set forth above in the summary of  
10 facts as though fully set forth hereinafter.  
11

12 Under California law, the starting point for deciding a motion to disqualify counsel is the recognition  
13 of interests implicated by such a motion. Courts "must examine these motions carefully to ensure that  
14 literalism does not deny the parties substantial justice." (*Speedee Oil Change, supra*, 20 Cal 4th at 113,5.)  
15 At base, "disqualification motion(s) may involve such considerations as a client's right to chosen counsel,  
16 an attorney's interest in representing a client, [and] the financial burden on a client to replace disqualified  
17 counsel" (*Id* at 1145.)  
18

19 Ultimately, however, a court must maintain ethical standards of professional responsibility. (*Ibid*)  
20 The paramount concern must be to preserve the public trust in the scrupulous administration of justice  
21 and the integrity of the bar. The important right to counsel of one's choice must yield to ethical  
22 considerations that affect the fundamental principles of our judicial process. (*Id*, at 1135.)  
23

24 Here, Defendants will not be prejudiced by Attorney Alessio's disqualification. There will be  
25 minimal, if any, financial burden for Defendants to replace counsel since this action has only recently  
26 begun.  
27  
28

1 On August 04, 2021, litigation commenced with the filing of Plaintiff's substantive Complaint.  
2 Attorney Alessio was more than three times notified that this Matter is an Elder Abuse case involving  
3 Ms. Zubeida Moorjani. Attorney Alessio received the Notices through his representation of Defendants,  
4 and Attorney Alessio reviewed the Notices served on Defendants as described above in the summary of  
5 facts; however, Attorney Alessio has represented Ms. Zubeida Moorjani  
6

7 Plaintiff demanded his disqualification, and Attorney Alessio failed to voluntarily recuse himself  
8 both times. Now, the Court must intervene.  
9

### 10 C. CONCLUSION

11 In months of inquiry, Ms. Zubeida Moorjani was misled to believe Attorney Alessio represented her  
12 interests, and Attorney Alessio has not communicated any contrary information. Yet Ms. Zubeida  
13 Moorjani, now in litigation, has shared confidences with Attorney Alessio.  
14

15 Plaintiff and Ms. Zubeida Moorjani should not be disadvantaged because of Attorney Alessio's  
16 silence. Further, on multiple occasions Attorney Alessio's communications to Ms. Zubeida Moorjani  
17 have been overreaching, overtly caustic and violative of the California Rules of Professional Conduct.  
18 Also, Attorney Alessio is a potential witness in this matter, and he runs the risk that his effectiveness as  
19 counsel may be impaired. Attorney Alessio and the law firm of Procopio should be disqualified from this  
20 matter.  
21

22 Executed on December 03, 2021 in the State of California.  
23

24   
25  
26 DEEPAK MOORJANI  
27  
28

1  
2 **CERTIFICATE OF SERVICE**

3 I, **DEEPAK MOORJANI**, the undersigned hereby certify that a copy of the foregoing **Motion** in the  
4 above-captioned proceeding was delivered to the clerk of this court and has been served this day by U.S.  
5 certified mail upon the Defendants and/or Attorneys on record.  
6  
7  
8

9 Executed on December 03, 2021 in the State of California.  
10

11   
12  
13 **DEEPAK MOORJANI**



1 **DEEPAK MOORJANI**  
2 (Plaintiff In *Pro Per*)  
3

4 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
5 **FOR THE COUNTY OF SAN DIEGO**

6 Deepak Moorjani ) Case No.: 37-2021-00033119-CU-OR-CTL  
7 Plaintiff, )  
8 vs. ) **DECLARATION OF PLAINTIFF IN**  
9 Seema Moorjani; Sunil Moorjani; and all ) **SUPPORT OF MOTION TO DISQUALIFY**  
10 persons known and unknown, claiming any ) **OR RECUSE.**  
11 legal or equitable right, title, estate, lien, or )  
12 interest in the property described in the )  
13 complaint adverse to plaintiff's title, or, any )  
14 cloud upon )  
15 Defendants )

16 **DECLARATION OF PLAINTIFF**

17 I, **Deepak Moorjani**, declare:

- 18 1. I am the Plaintiff named in the above styled case. I have personal knowledge of each matter and the  
19 facts stated herein as a result of my position as Plaintiff in my individual capacity, and if called  
20 upon and sworn as a witness, I could and would testify competently thereto.
- 21 2. I file this Motion for an Order disqualifying Attorney John D. Alessio ("Alessio"), Attorney Zagros  
22 S. Bassirian ("Bassirian"), and the law firm of Procopio, Cory, Hargreaves & Savitch LLP  
23 ("Procopio") in this matter for an impermissible conflict of interest and possession of confidential  
24 information.
- 25 3. Subsequent to this Complaint, I have severally disclosed to Defendants in various correspondence  
26 that this is an Elder Abuse case in which Ms. Zubeida Moorjani ("Mother") is the victim.
- 27 4. Attorney Alessio received these notices through the representation of Defendants, and Attorney  
28

Alessio has reviewed the correspondence served on Defendants Seema Moorjani and Sunil Moorjani regarding the Elder Abuse of Ms. Zubeida Moorjani; however, Attorney Alessio has represented Ms. Zubeida Moorjani. A copy of the correspondence is attached as “**Exhibit A**”.

5. Attorney Alessio and the law firm of Procopio, Cory, Hargreaves & Savitch LLP have gained an advantage; it is beyond dispute that Attorney Alessio and the law firm of Procopio have directly and indirectly obtained confidential information from Ms. Zubeida Moorjani and Plaintiff.
6. On August 4, 2021, I filed the substantive Complaint before this court. On September 21, 2021, Attorney Alessio and the law firm of Procopio delivered a Meet and Confer re Demurrer as legal counsel to Ms. Zubeida Moorjani and the other Defendants. The parties met and conferred regarding the Defendants’ intended Demurrer to the Complaint. On October 22, 2021, a Stipulation and [Proposed] Order was made for the Plaintiff to file a First Amended Complaint no later than November 23, 2021. A copy of each of the (i) Meet and Confer re Demurrer and the (ii) Stipulation and [Proposed] Order is attached as “**Exhibit B**”.
7. On November 18, 2021, I filed the First Amended Complaint with the San Diego Superior Court via USPS Certified Mail. On November 19, 2021, I served a copy of the First Amended Complaint to Defendants Seema Moorjani and Sunil Moorjani via USPS Certified Mail. On December 02, 2021, I served a copy of the First Amended Complaint to Attorney Alessio of Procopio via USPS Certified Mail. In the First Amended Complaint, I amended the parties by removing the Elder Abuse victims Zubeida Moorjani and Gulab Moorjani as co-defendants. Further, I dropped Floradeliza Moorjani, and Jaswant Moorjani in the First Amended Complaint as co-defendants, and I preserved Defendants Seema Moorjani and Sunil Moorjani as the remaining Defendants. A copy of each of the First Amended Complaint and Service to Defendants is attached as “**Exhibit C**”.

- 1 8. In both the substantive Complaint and the First Amended Complaint, I made reference to facts  
2 constituting the Elder Abuse of Zubeida Moorjani and Gulab Moorjani by Defendants Seema  
3 Moorjani and Sunil Moorjani.
- 4 9. The facts constituting Defendants Seema Moorjani and Sunil Moorjani's Elder Abuse include but  
5 are not limited to (i) Financial exploitation of \$230,000 in promissory notes which currently have  
6 a repayment value of approximately \$1,021,900 with interest compounded monthly at an annual  
7 interest rate of 5% (~358 months) as lawfully allowed; (ii) Claim of sole title and sole interest in  
8 11881 Cypress Valley Drive, San Diego, CA 92131 (Property TWO\*), thereby forcing Mother to  
9 live in a rented apartment in an adult-living community (e.g. Paradise Village); (iii) Ongoing acts  
10 of Neglect, Isolation, and Mental Abuse of Mother which have resulted in her failing health  
11 condition; and (iv) Changing Mother's cellphone number in order to isolate Mother for further  
12 exploitation.
- 13 10. I also stated clearly in the substantive Complaint and the First Amended Complaint that I contacted  
14 Adult Protective Services ("APS") on May 25, 2021 in two jurisdictions (San Diego County,  
15 California and Lucas County, Ohio) based on (i) Mother's inability to manage her finances, (ii)  
16 Defendants Seema Moorjani and Sunil Moorjani's exploitation of Mother's assets, (iii) Mother's  
17 recent hospitalization (e.g. broken pelvis), and (iv) the failure of Defendants Seema Moorjani and  
18 Sunil Moorjani to participate in previous interventions subsequent to the January 08, 2019 suicide  
19 red flag (e.g. The January 09, 2019 Plan A and the December 30, 2019 10-Day Plan). A copy of  
20 each APS Notification is attached as "**Exhibit D**".
- 21 11. The Court should pay special attention to conflict of interest, since Ms. Zubeida Moorjani has  
22 previously demonstrated an inability to recognize the issue. A copy is attached as "**Exhibit E**".
- 23 12. Attorney Alessio and the law firm of Procopio, Cory, Hargreaves & Savitch LLP are subject to  
24  
25  
26  
27  
28

1 disqualification on the grounds of impermissible subsequent adverse representation where the firm  
2 previously represented Ms. Zubeida Moorjani in this matter as a defendant; however, Ms. Zubeida  
3 Moorjani is the victim of Elder Abuse.

4 13. Attorney Alessio and his team received confidential information from Ms. Zubeida Moorjani and  
5 Plaintiff concerning the facts and circumstances of this pending litigation. Two instances are  
6 described herein: (i) On October 07, 2021, Plaintiff sent a Demand letter to Attorney Brigid Heid  
7 of Eastman & Smith with a request to deliver information on Attorney Frank Jacobs, and Attorney  
8 Alessio and his team disclosed possession of this October 07, 2021 confidential letter in an October  
9 12, 2021 email to Attorney Oriet Cohen-Supple. Attorney Frank Jacobs is a tax and legal advisor  
10 to Ms. Zubeida Moorjani, and he has faced disciplinary action for professional misconduct  
11 (*Disciplinary Counsel v. Jacobs, 109 Ohio St.3d 252, 2006-Ohio-2292*). [Note: The October 12,  
12 2021 Procopio email also disclosed Procopio's possession of a confidential letter to Defendant  
13 Seema Moorjani relating to legal guardianship of Ms. Zubeida Moorjani]. (ii) On August 31, 2021,  
14 Plaintiff sent a Demand letter to Sueja Kummar to disclose commissions, fees and other revenue  
15 generated as a tax advisor and financial consultant to Ms. Zubeida Moorjani. Attorney Frank Jacobs  
16 and Sueja Kummar have financially exploited Mother and have actively capitalized on Mother's  
17 lack of competence in her finances. A copy of each Demand letter is attached as "**Exhibit F**".  
18

19 14. I have lost confidence in Attorney Alessio and the law firm of Procopio, Cory, Hargreaves &  
20 Savitch LLP because of the adversarial nature of the relationship that the law firm of Procopio have  
21 created. Plaintiff is beyond a crisis in confidence; the situation is untenable, unworkable and  
22 unsalvageable as there is the likelihood of a conflict of interest.  
23

24 15. It was clear that Attorney Alessio's interests were in conflict with this Complaint by virtue of its  
25 amendments and also to the fact that Procopio have received notices that this Complaint is for Elder  
26  
27  
28

1 Abuse; however, Attorney Alessio has continued with his representation. The taint of this conflict  
2 creates serious ethical concerns impacting the rights of Ms. Zubeida Moorjani and Plaintiff.

3 16. Defendants will not be prejudiced by Attorney Alessio's disqualification.

4 17. There will be minimal, if any, financial burden for Defendants to replace counsel since this action  
5 has only recently begun.  
6

7 18. This Motion is not brought in bad faith, and this Motion is not interposed for an improper purpose  
8 or for harassment or delay in proceedings. Therefore, an expedited ruling is requested to ensure the  
9 prompt administration of justice without unnecessary delay to any party.  
10

11  
12  
13  
14 I declare under penalty of perjury under the laws of California that the foregoing is true and correct, and  
15 that this Declaration was executed on December 03, 2021 in the State of California.  
16

17  
18  
19 

20 DEEPAK MOORJANI  
21  
22

23 \* Note: Terms not defined herein are used as defined in the First Amended Complaint.  
24  
25  
26  
27  
28

Exhibit A  
Documentation on Elder Abuse



(419) 320-7036



Hi Deepak I'm here with your mom and I'm really worried about her.. she is walking in circles and shaking and talking about things I can't understand .. I m asking you should I contact someone to come out and check her she is not doing good ... I dont know to help her medically

(419) 320-7036 • Jan 8, 2019



Type a message



Jennifer Compton <jennifer.compton@sunfcu.org>

February 1, 2019 5:15 AM

Subject: "Moorjani's Health and Safety"

To: "moorjani@gmx.com" <moorjani@gmx.com>

From: Jennifer Compton <jennifer.compton@sunfcu.org>

Your Mom

---

Hi Sunil,

I just wanted to give you a little bit of information regarding your mom. I visited her a few weeks ago to help with her bills and checking account. She was not doing good that day. She was very upset and extremely anxious. She couldn't remember if she had taken her medicine. She was very shaky. She was really mad at herself that she left California and thought it was a big mistake.

She stated that she is not doing good and thought she should "just commit suicide". I told her that I was extremely worried about her and that I was going to call 911. She really got upset and made me promise that I wouldn't call 911. When I got back to the office I contacted Deepak because I didn't know who else to contact and I would never forgive myself if something happened to her.

She really shouldn't be driving and being by herself seems very hard for her.

If you would like to talk please feel free to contact me.

Thanks and have a good weekend.

**Jennifer Compton**

*Director of Business Development (NMLS #809440)*

Phone: 419.794.7482

Fax: 419.893.5071



1627 Holland Road | Maumee, OH 43537-1622 | 800.786.0945

Follow Sun Federal:



This email and any files transmitted with it are the property of Sun Federal Credit Union, are confidential, and are intended solely for the use of the individual or entity to which this e-mail is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Any opinions expressed are those of the sender and do not necessarily represent those of Sun Federal Credit Union.

Warning: Computer viruses can be transmitted via email. Although the credit union has taken reasonable precautions to ensure no viruses are present in this email, the credit union cannot accept responsibility for any loss or damage arising from the use of this email or attachments.



## ***Mom, Plan A***

Sunil Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131

Dear Sunil,

On January 08, 2019, Jennifer Compton of Sun Federal visited Mom, and Mom stated, "*I should just commit suicide.*"

The possibility of suicide should never be underestimated, and this is a direct cry for help. In Jennifer Compton's opinion, "She cannot stay in Toledo."

As Mom's primary physician, Dr. Rosemarie Osowik has been cc'd to this letter for notification purposes.

### **Plan A**

Effective immediately, we are implementing Plan A: starting on February 1, 2019, Mom will stay in San Diego for 8 weeks; for this visit, Mom will stay exclusively at 11881 Cypress Valley Drive, San Diego, CA 92131 ("House B").

Unfortunately, this is not your decision; Mom is the owner of the real estate at 11881 Cypress Valley Drive, San Diego, CA 92131. Mom owned 100% of the equity of the real estate at 6323 Caminito del Cervato, San Diego, CA 92111 ("House A"), and the proceeds from the sale of House A were used to purchase the real estate at House B.

Your decision to omit Mom's name from the title at House B is either (i) negligence or (ii) willful misconduct; your decision might also be considered elder abuse.

With Plan A in motion, we will work on a longer-term plan, since Mom cannot live alone. She is lonely and depressed, and she is not able to make her own decisions. This spring, Mom needs to be transferred to an assisted-living facility, preferably in San Diego.

As Mom's first-born son, this is your time to act. Mom has always been a difficult person, and she has often been her own worst enemy. However, avoidance is not a strategy, and you have been negligent for too long.

### **Actions, Not Words**

In times of adversity, a person reveals its character; a person is measured by its actions, not its words.

In every situation, "I'm busy" is never a valid reason, since everyone has 24 hours in a day. "I'm busy" does not convey a lack of time; "I'm busy" simply conveys a lack of priority.

During Christmas 2018, I called you three times on three separate days; more than 5 days after my last call, you emailed me at the end of the day on January 02, 2019.

Unfortunately, your negligence is a behavior pattern.

\* According to my records, you visited Mom in Toledo only two times in a 10+ year time period; however, these trips were primarily trips to visit with Seema Kulkarni's parents in Toronto, and the visits to Toledo were side trips that you made without your wife.

\* On a number of occasions, Mom visited her homes at House A and House B. Richard Joseph informed me that he disapproved of Mom's visits to San Diego, because she always returned to Toledo in a weakened state. For Mom, the lack of hospitality in San Diego had emotional and physical consequences.

\* On December 15, 2006, I paid Mom's mortgage balance of \$127,379.36; with this payment, the mortgage balance on her home at 6036 Quarry's Edge Lane, Sylvania, OH 43560-9877 was reduced to \$0. Despite her age, Mom was working full-time, because she felt burdened by the mortgage payments. I paid the mortgage balance to allow Mom to retire; I did not wait for you to make your 50% contribution, since I believed that time was essential.

\* In the summer of 2009, I spoke with Richard Joseph; he told me that Mom was unlikely to live another 6 months. She was having spinal issues, and Richard Joseph encouraged me to return to the US. Even though I was living and working in Singapore, I made arrangements to assist Mom in Toledo for more than 8 months. I was miserable; however, I honored my duty, because I knew that you would be negligent in your duty.

During this 8+ month rescue, Richard Joseph told me, "She treats you like a punching bag." It was nice to hear someone else vocalize my thoughts, because I know that she uses me as a proxy to handle her unresolved issues with Dad. It is fundamentally unfair, but I think she lacks the self-awareness to change her behavior.

In high school, I advised her to leave him, but she chose to stay in a dysfunctional relationship for more than 30 years.

### **Why, Not What**

Your lack of urgency is disconcerting, and your lack of involvement is abusive.

While you should act for your mom, you should also act for your children. If you fail to act, your children will eventually realize that you failed to act, and their resentment will be justified.

There is a natural conflict between a wife and a mother, and I believe that most of your actions are designed to avoid conflict with your wife, at the expense of your mom. This is reflected in the negligence previously detailed, and it is also reflected in small details that are often overlooked. While you call Mom every day, you call her away from the watchful eyes of your wife. Generally, this means that you call Mom during your work commute, and you exclude her from your daily life with your wife.

Years ago, you stated, "I need to train her."

You were speaking about Seema Kulkarni, and you recognized that her behavior was inadequate. At the time, you were searching for a purpose: you had failed the California bar on multiple occasions, you were working as a clown, and you became obsessed with weightlifting. You wanted something to fill the void, and you chose to save someone.

I think your desire to save someone comes from your inability to save Mom and Dad from themselves and to save them from each other. However, you should have focused on saving yourself first. When a person has saved itself, a person can be true in the world.

### **Visitation Policy: Kulkarni Family**

Years ago, you explained your hesitation for Mom to visit House A and House B. You informed me that you did not want to set a precedent, since Mom's visits would serve as a precedent(s) for Seema Kulkarni's parents to stay in San Diego.

Effective immediately, we are introducing a visitation policy for the Kulkarni family; this visitation policy shall be implemented retroactively. No member of the Kulkarni family may stay at 11881 Cypress Valley Drive, San Diego, CA 92131 without the prior written consent of Mom. With written permission, a member of the Kulkarni family will be allowed to visit, provided a fee of \$100/person/night is paid in advance. This is a below-market rate, and these visitation fees will be used exclusively to pay for Mom's healthcare expenses.

Since this policy is implemented retroactively, there are substantial visitation fees that are currently due. For the Kulkarni family, the existing balance will need to be paid in advance of any future visits.

**Conclusion: If Not Now, When?**

You are my only brother, and I love you unconditionally. However, I believe that your failure to act is having life-threatening consequence for Mom. If Mom commits suicide, it is solely on your shoulders.

Please convey Plan A to Mom as soon as practicable. Since Mom is not able to handle travel logistics, you and your wife should be primarily responsible for logistical details. Given her lack of employment, your wife should be able to handle many of the administrative details of Mom's upcoming visit.

On Monday, I will petition the City of San Diego to add Mom's name to the title of the real estate at 11881 Cypress Valley Drive, San Diego, CA 92131. Also, I will send you an invoice for your 50% share of the mortgage payment; I would like this to be paid by January 31, 2019. Given the delay in your 50% contribution, your share will include substantial interest and penalties.

For administrative purposes, please sign your acceptance of these terms and conditions; your written consent to Plan A is requested by 5pm PST on Sunday, January 13, 2019. In addition to email, this letter is being mailed to you via certified mail.

Sincerely yours,



Deepak Moorjani

cc:

Jennifer Compton  
Sun Federal Credit Union  
1627 Holland Road  
Maumee, OH 43537

Rosemarie Osowik, MD  
4041 Sylvania Ave., Suite 204  
Toledo, Ohio 43623

On Mom, Plan A, I agree without reservation to the terms and conditions as specified on January 09, 2019.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

**Notification: Suicide Risk**

Via Certified Mail

Rosemarie Osowik, MD  
4041 Sylvania Ave., Suite 204  
Toledo, Ohio 43623

Dear Rosemarie,

On January 08, 2019, Jennifer Compton of Sun Federal visited Mom at 6036 Quarrys Edge Lane, and Mom stated, "I should just commit suicide."

The possibility of suicide should never be underestimated, and this is a direct cry for help. In Jennifer Compton's opinion, "She cannot stay in Toledo."

The working plan is for Mom to stay at her house in San Diego at 11881 Cypress Valley Drive, San Diego, CA 92131. During this two-month period, we will work on a longer-term plan, since Mom cannot live alone. She is lonely and depressed, and she is not able to make her own decisions. Most likely, Mom should move to an assisted-living facility, preferably in San Diego.

Jennifer Compton is director of business development at Sun Federal Credit Union, and she has advised my Mom on her financial affairs for approximately two decades. She is cc'd to this letter, and her phone number is 419.794.7482. She may contact you directly.

Sincerely yours,

*Deepak*

Deepak Moorjani

cc:

Jennifer Compton, Sun Federal Credit Union  
Louise A. Jackson, Eastman & Smith  
Sunil Moorjani

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

TOLEDO, OH 43604

OFFICIAL USE

Certified Mail Fee

\$3.45

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

\$0.00

☐ Return Receipt (electronic)

\$

\$0.00

☐ Certified Mail Restricted Delivery

\$

\$0.00

☐ Adult Signature Required

\$

\$0.00

☐ Adult Signature Restricted Delivery

\$

\$0.00

Postage

\$0.50

\$

Total Postage and Fees

\$3.95

\$

Sent To

Thomas Osunk

Street and Apt. No., or PO Box No.

One Constitution Avenue

City, State, ZIP+4®

Toledo, OH 43604



Postmark  
Here

01/14/2019

## **Mom: Plan A**

*January 16, 2019*

Ms. Sue Stolar  
1010 Dixie Hwy  
Rossford, OH 43560

Dear Aunt Sue,

I was happy to speak with you on Christmas Day; I hope you had a great New Year with the family.

When you speak with Sunil, there is updated news that you might discuss.

On January 08, 2019, Jennifer Compton of Sun Federal visited Mom at 6036 Quarrys Edge Lane in Sylvania; during her visit, Mom stated, "*I should just commit suicide.*"

The possibility of suicide should never be underestimated, and my mom's statement is a direct cry for help.

"I would like to just check it."

On the issue of suicide, I have sought the advice of a long-time friend; her husband committed suicide more than 20 years ago. She remembers his exact words; in hindsight, she realizes that he was asking for help. At the time, she did not understand what he meant, but she said that Mom's statement is a cry for help at her darkest hour.

For her husband, suicide was not a logical choice. He was a plastic surgeon at Stanford, making about \$600k/year while in his 30s/40s. He killed himself at his office, leaving her and her young son to fend for themselves.

As an aside, do you remember my former girlfriend? About 5 years prior to your meeting, she found her dead mother in the family garage; the car was running, and the garage door was shut. Her mom chose to commit suicide, and this haunted her for many years.

In Mom's case, action is better than no-action; she has a long history of poor decision-making, and there is an absolute need to protect her from herself.



### **Mom: Plan A, Short-Term**

“She needs someone to help her and I’m glad that action is being taken.”

Jennifer Compton is director of business development at Sun Federal. As Mom’s personal banker, she has advised Mom on her financial decisions for approximately 20 years. Since Mom is financially illiterate, Jennifer Compton also patiently balances her checkbook, paying her bills every month.

"She cannot stay in Toledo."

For February/March 2019, Mom should stay at her house in San Diego at 11881 Cypress Valley Drive, San Diego, CA 92131 (APN #319-710-25-00). This is a 4 bedroom, 2.5 bath house with 2,347 square feet.

### **Mom’s San Diego Property**

6323 Caminito del Cervato ==> 11881 Cypress Valley Drive

APN #431-732-12-10 ==> APN #319-710-25-00

Mom is the primary owner of 11881 Cypress Valley Drive, San Diego, CA 92131 (APN #319-710-25-00).

She owned 100% of the equity of 6323 Caminito del Cervato, San Diego, CA 92111 (APN #431-732-12-10). This house was sold in 2008, and Mom’s equity was rolled into the purchase of 11881 Cypress Valley Drive, San Diego, CA 92131 (APN #319-710-25-00).

Sunil has a responsibility to make Mom feel welcome in her house. There is a natural conflict between a mother and a wife, and Sunil needs to manage this natural conflict. Unfortunately, Sunil seems primarily concerned with avoiding marital conflict, and he makes his choices at Mom’s expense.

For Mom, the lack of hospitality in San Diego has had emotional and physical consequences. Years ago, Richard Joseph informed me that he disapproved of Mom’s visits to San Diego, because she always returned to Toledo in a weakened state.

In San Diego, Mom has consistently felt unwelcome in her house; thus, she began to stay at Paradise Village, a senior facility in National City, CA. If Mom feels the need to stay in an offsite senior facility, Sunil should reimburse Mom for her expenses.

In December 2018, Sunil allowed Mom to abort her stay at Paradise Village in National City, CA. This was negligence by Sunil; he understands that she is not able to make sound decisions, and Sunil should have prohibited her from leaving San Diego.

## **Sunil's Negligence**

"Good morning, Your mom called me today and gave her permission to release her mortgage payoff information: To pay her mortgage in full the amount is: \$127,442.01. This payoff is good thru 12/17/06"

"Deepak, I have received the wire and your mother's mortgage has been paid in full. Have a wonderful Holiday and I hope to work with you more in the future."

In 2006, I paid the mortgage balance on Mom's house in Sylvania, OH. Despite her age, Mom was working full-time, because she felt burdened by her mortgage balance. I paid her mortgage balance in order to allow Mom to retire; I did not wait for Sunil to make his 50% contribution, because I knew that Sunil would negligently fail to act.

In the summer of 2009, I spoke with Richard Joseph; he felt that Mom was unlikely to live another 6 months. She was having spinal issues, and Richard Joseph encouraged me to return to the US. Even though I was living and working in Singapore, I made arrangements to stay with Mom. I stayed in Sylvania for more than 8 months; I honored my inviolable duty, because I knew that Sunil would negligently fail to act.

"She treats you like a punching bag."

During my 8+ month sojourn in Sylvania, Richard Joseph provided his opinion on Mom's behavior; it was nice to hear someone else vocalize my thoughts. However, I recognize that she uses me as a proxy to handle her unresolved issues with Dad. It is fundamentally unfair, but I think she lacks the self-awareness to change her behavior.

Each of my parents is emotionally immature; together, they were dysfunctional. In high school, I advised her to leave Dad, but she chose to stay in a dysfunctional relationship for 30+ years.

Mom and Dad's separation was precipitated by external events.

In addition to Mom's concerns on Dad's fidelity, Mom and Dad had a battle with insolvency. Mom and Dad had borrowed too much money; since Dad did not have independent income, they were unable to service the interest. Thus, they were stuck in an unworkable situation, borrowing additional principal to service the interest.

In times of adversity, a person reveals its character; a person is measured by its actions, not its words.

During this difficult period, Dad fled to Florida, burdening Mom with the task of solely negotiating with the lender. Fortunately, Mom had Tony Pizza as her advocate, and he was an utterly fantastic human being.

\$200,000

For Mom and Dad, the loan balance was higher than the value of the underlying collateral. In the lender settlement, Mom paid approximately \$200,000 in cash to the lender to cover the shortfall from the sale of the underlying collateral (i.e. 500 Riverside Drive, Rossford, OH 43460). In order to cover the shortfall, she could have sold her property in San Diego, but she wanted Sunil to be unaffected by her battle with insolvency.

### **Causality: Low Self-Esteem**

Low Self-Esteem => Negative Thoughts (e.g. Anxiety) => Negative Behavior

It was helpful to hear your perspective on Mom; as you stated, she “belittled and humiliated me” and “treated me like a little child.” You described your relationship with Mom as a toxic relationship, and Mom gave you the silent treatment for 5 years.

Mom has always been a difficult person, and she has often been her own worst enemy. Fundamentally, I think her negative behavior is rooted in her negative thoughts, and her negative thoughts are rooted in her low self-esteem.

Unfortunately, I expect her negative behavior to continue. She fails to learn from her mistakes, because she is unwilling to acknowledge her mistakes. This is primarily a function of her low self-esteem.

However, there is an inviolable relationship between a mother and her child. A fundamental part of the human experience is caring for those who gave us life, regardless of whether it is appreciated.

[Note: In this case, it will not be appreciated.]

### **Mom: Plan A, Long-Term**

During my 8+ month sojourn in Sylvania, Richard Joseph advised me that Mom could not live alone; he strongly felt that Mom needed to move to an assisted-living facility. Obviously, I agreed, and we toured an assisted-living facility place in Toledo.

Reflexively, Mom rejected the idea.

Subsequently, I traveled to Florida to tour The Villages, Florida, one of the highest-ranked 55+ retirement communities in the country. I offered to buy her a place in Florida, and I subsequently offered to buy her a place in Las Vegas. She urgently needed to leave Toledo, but she rejected each of these ideas.

On January 08, 2019, Jennifer Compton of Sun Federal informed me that she was helping Mom arrange a new stay at Paradise Village, the retirement community in National City, CA.

This is shameful, because this is Sunil's responsibility.

Since Mom cannot balance her own checkbook, Sunil cannot expect her to make her own travel arrangements. Further, it was Sunil's negligence in December 2018 that allowed Mom to abort her winter stay at Paradise Village. He understands that she is not able to make sound decisions, and Sunil should have prohibited her from leaving San Diego.

For February/March 2019, Mom should stay at her house in San Diego, and Sunil should be making the travel arrangements.

Sunil and I should begin to work on a long-term plan, since Mom cannot live alone. She is lonely and depressed, and she is not able to make her own decisions. Ideally, Mom should move to an assisted-living facility, preferably in California.

### **Closing**

Sunil is my only brother, and I love him unconditionally; however, I think Sunil needs to become actively involved.

Mom's situation needs to be actively managed; she has a long history of poor decision-making. Given her low self-esteem, she clings to control even though it is self-defeating.

Unfortunately, she primarily relies on the advice of service providers (e.g. insurance, legal) who have a vested interest in maintaining the status quo.

Sunil's passive approach is insufficient. In times of adversity, people often take a passive approach, hoping for one or both of the following:

- the situation magically improves, and/or
- someone else takes responsibility

Sunil's passive approach is avoidance, and this does not constitute a strategy. His lack of urgency is disconcerting, and his lack of active involvement is abusive.

If Mom commits suicide, I will hold him responsible.

While he should act for his mom, he should also act for his children. If he fails to act, his children will eventually realize that he failed to act, and their resentment will be justified.

In every situation, "I'm busy" is an excuse, not a reason. Everyone has 24 hours in a day: "I'm busy" does not convey a lack of time; "I'm busy" conveys a lack of priority.

As Mom's first-born son, Sunil has been negligent for too long; I believe that his negligence is having life-threatening consequences for Mom.

If you call, Sunil can be reached at 858.342.2837.

With love,



Deepak Moorjani

cc:

Jennifer Compton, Sun Federal  
Ralph DeNune, Lydy & Moan, Ltd.  
Gul Moorjani  
Sunil Moorjani  
Zubie Moorjani, MD  
Rosemarie Osowik, MD

# MEMORANDUM

---

Monday, December 30, 2019

to: Seema (Kulkarni) Moorjani  
to: Sunil Moorjani  
cc: Jennifer Compton  
cc: Danny DeNune  
cc: Suneel Kulkarni  
cc: Manisha Moorjani  
cc: Dr. Zubie Moorjani  
cc: Sue Stolar  
cc: Lisa Stout

## Seema/Sunil: The 10-Day Plan

Osho: "The moment a child is born, the mother is also born. She never existed before. The woman existed, but the mother, never. A mother is something absolutely new." and so in you the child your mother lives on and through your family continues to live... so at this time look after yourself and your family as you would your mother for through you all she will truly never die."

Mom is currently stranded in Sylvania, Ohio under full-time care, and I believe that Seema and Sunil's willful misconduct is the primary reason for this situation.

Consequently, we will implement The 10-Day Plan; the 10-Day Plan should be implemented by January 10, 2020.

### 1. Relocate Mom to her house in San Diego.

Seema and/or Sunil will fly to Ohio and personally escort Mom to her house in San Diego, a 4 bedroom, 2 bath house with 2,347 square feet of living space. Given her career flexibility, Seema is the better choice to serve as Mom's escort.

### 2. Actively manage Mom's personal affairs.

Seema and Sunil will actively manage Mom's administrative responsibilities, including her healthcare requirements. Since Mom has chosen to remain financially illiterate, Seema will maintain Mom's books and records under our supervision. Given Seema's background and experience, Seema is well-positioned to serve as Mom's bookkeeper.

eyes only



**Mom/Dad: Emotional Immaturity**

Aunt Uma: There was always tension in the house.

As children, Sunil and I witnessed Mom attempt to commit suicide. As I remember, we were in junior high school, and we had attended a wedding in Columbus, Ohio.

At the time, we were driving in our orange camper van. During the return trip to Toledo, Mom and Dad engaged in a heated argument; as children, we witnessed the yelling and screaming that had become a normal part of our childhood experience. Mom was scared, and she fled to the back of the camper van.

During the argument, Mom opened the rear sliding door; she wanted to jump from the camper van, but after a few seconds of consideration, she decided to abort her jump. We were traveling on the interstate highway at 80mph. If the fall had not killed her directly, she would most certainly have been killed by one of the trailing cars.

The best predictor of a future suicide attempt is a previous suicide attempt. When I spoke with Jennifer Compton on January 08, 2019, I was unsurprised on an unconscious level. Mom has always had a poor self-relationship, and I think she has always struggled with anxiety and depression. To this day, I can hear her negative self-talk that I heard as a child (e.g. "I am stupid," "I am ugly").

Mom often said to me, "You're just like your father," but she unfairly used me as a proxy to express her repressed anger towards my dad. In reality, I was not like either of my parents. As a child, I recognized that it is better to learn from the mistakes of others, and in order to build a career, I had to unlearn the negative programming of my youth.

**Sunil: Repressed Anger**

Beliefs => Behavior

After receiving Jennifer Compton's suicide notification, I contacted Sunil on multiple occasions, but he chose to remain unengaged. Subsequently, I purchased a book called "The Adult Children of Emotionally Immature Parents: How to Heal from Distant, Rejecting or Self-Involved Parents." On February 08, 2019, I mailed this book to Sunil at Mom's house in San Diego.

On an unconscious level, I think Sunil struggles with the repressed anger of his childhood. As a child, Sunil was not known, seen, heard or loved in the way that he needed; I think Sunil's relationship with Seema has been an attempt to satisfy the unmet needs of his childhood. Sunil projected his unmet needs onto Seema; he fell madly in love with a woman that he barely knew.

Since water seeks its own level, Seema probably entered the relationship from a place of neediness. Upon moving to San Diego, she almost immediately moved into Mom's house in San Diego, without Mom's knowledge or Mom's permission. Seema lied to her parents about her living situation; she falsely claimed to live in her San Diego apartment. Eventually, Seema demanded that Sunil buy a new house for them to live. Seema did not want to live in Mom's house in San Diego; she learned that Sunil had sexual relations with a previous girlfriend (e.g. Julia), and I think Seema considered the house to be "dirty."

Seema/Sunil: Elder Abuse

Mom: You are all I have left.

In his desire to maintain Seema's approval, Sunil exhibits people-pleasing behavior. However, people-pleasing disempowers everyone; it disempowers Sunil and it disempowers Seema. Sunil fails to recognize that his people-pleasing behavior is fundamentally selfish; he is simply seeking to satisfy the unmet needs of his childhood.

Mom feels rejected by Sunil; since his marriage, Sunil is "busy," and he has generally ignored Mom and Dad. His visits to Mom have been almost nonexistent, and his visits to Dad have been nonexistent. After his marriage, Seema and Sunil traveled to Canada to visit Seema's parents for a week; Seema went directly to Canada, and Sunil stopped to see Mom and Dad for an afternoon.

Given her low self-esteem, Mom accepts the status quo, because she is afraid that she will lose Sunil completely.

Sunil: I don't want to set a precedent.

On one occasion, Sunil explained that he did not want Mom to stay in her house in San Diego, because he did not want to set a precedent for Seema's parents. However, there is no basis for Seema's parents to stay in Mom's house in San Diego, but there is a basis for Mom to stay in Mom's house in San Diego.

In my opinion, Sunil's passive-aggressive rejection of his parents is rooted in the repressed rage of his childhood injuries. Sunil fails to realize that Mom and Dad's acts of poor parenting were not a personal rejection of him; Mom and Dad's acts of poor parenting were a function of their poor self-relationships.

Each of my parents has a poor self-relationship, and this pervaded their interactions with the world. A person must love itself before it can love another; a person's self-relationship provides a template for its relationships with others.

Mental health => Physical health

When I was in high school, Uncle Mahesh called the house. He spoke to me privately, and I could sense that he was struggling. When I was a child, he had been kind and generally carefree. In his life, he had a long history of academic failures and career setbacks, and over time, he fell into isolation and loneliness.

From his brothers (Dad, Moti, Kishin, Jaswant, Tulsi), Uncle Mahesh did not receive the help that he needed, and he was eventually sent to a mental institution. Subsequently, Uncle Mahesh committed suicide.

When I moved from Singapore to Ohio, Mom's health was failing, and I think that the consistent presence of a family member nourished her recovery. Thus, the best plan for Mom is to move to San Diego and live in her house with her family members.

Further, Sunil should evaluate his subconscious beliefs; I think he is perpetuating the cycle of dysfunctional relating that he learned from his parents. Sunil must eliminate the negative programming that manifests in his behavior; his children will emulate his behavior, and his children will perpetuate the cycle of dysfunctional relating.



>  
> > Subject: Update  
> > Sent: Mar 21 '10 10:51am  
> >  
> > Deepak, Hope all is well with you.  
> > I took your mom to Flower Hospital (NOT St. Anne's) at her  
> doctor's request. She's OK. Her doctor called me tonight  
> around 7 and asked if I would do this. Apparently, your mom saw the doc  
> at 2 p.m. and then called her around 6 p.m. to say she was getting a  
> headache. The doctor thinks she needs to be evaluated for many reasons,  
> some of them psychological. She seems obsessed with her health, and her  
> docs are growing impatient with her. Dr. Osowik, when she called  
> tonight, was lovely and very determined to get to the bottom of all this.  
> Flower Hospital, she said, has many more services than St. Anne's and  
> that's why she wants her there.  
> > Mom is in Room 517, two very nice nurses greeted us at the door to  
> her lovely private room. Hospital No. is 419 824 1444.  
> > I left two bowls of dry cat food and water for Tigger. He should  
> be OK for two days or until you return on Monday.  
> > Please stay in touch.  
> > Love,  
> > Mrs. J  
> > 9:47 p.m. Saturday  
> >  
> >  
> >  
> >  
> >  
> >

Thursday, May 20, 2021

*memorandum*

To: Seema (Kulkarni) Moorjani  
From: Deepak Moorjani  
Subject: Notification of Elder Abuse

This memorandum is an official notification of Seema Moorjani and Sunil Moorjani's elder abuse. Seema Moorjani and Sunil Moorjani's failure to perform constitutes elder abuse, and their elder abuse will necessarily be punished.

- On January 09, 2019, I notified Seema Moorjani and Sunil Moorjani of the suicide red flag raised on January 08, 2019 by Jennifer Compton of Sun Federal. Unfortunately, Seema Moorjani and Sunil Moorjani chose to ignore the recommendations made in my notification.
- On December 20, 2019, I notified Seema Moorjani and Sunil Moorjani of The 10-Day Plan, and Seema Moorjani and Sunil Moorjani failed to implement this plan.

On May 11, 2021, I spoke with Jennifer Compton of Sun Federal. She was disconcerted by her recent visit to my mom's house, and Jennifer Compton confirmed my belief that my mom lacks the competence to manage her affairs. In addition to the issue of self-harm, Jennifer Compton indicated that it was possible for my mom to hurt herself and be unable to call for help. Jennifer Compton vocalized her belief that my mom might eventually be found dead by her neighbors.

My mom is currently giving me the silent treatment. While we were talking every day, my mom's silent treatment is her retaliation for raising the issues in my February 12, 2021 and March 14, 2021 letters to Seema Moorjani. Unfortunately, my mom angrily refuses to examine her behavior and to recognize that she is the common denominator in her life. However, I still call my mom every day.

On May 18, 2021, my mom meant to terminate my call, but she hit the wrong button. Therefore, I heard her conversation with her helper, and my mom stated, "I don't want to talk to him."

For verification purposes, I recorded the conversation, and the recording confirms these issues:

- My mom lacks the competence to make her own decisions: my mom asks her helper what she should do about her appointment, and my mom subsequently takes the helper's advice without question. My mom also plays the role of the helpless child: she subsequently asks the helper to call on her behalf, because she is unable to manage her affairs. (Note: My mom has never had the competence to make her own decisions, and this is a function of her low self-esteem.)
- My mom is tormented by her loneliness, and she repeatedly tries to manipulate her helper into staying longer. My mom is terrified of being alone: in the sound of her voice, one can hear my mom's desperation as she consistently tries to prevent the helper from leaving.

Sunil is still angry that he did not receive the love and attention that he wanted as a child, and his quest for external validation drives him to satisfy Seema's compulsive neediness. However, Sunil should realize that my mom's behavior has always been driven by her low self-esteem, and my mom does not love herself. She was unable to give Sunil what she does not have for herself.

*Distribution List*

cc: Ashok Kulnarni  
cc: Gul Moorjani  
cc: Jas Moorjani  
cc: Jennifer Compton  
cc: Lisa Stout  
cc: Lynn Balshone Jacobs  
cc: Karen Denune  
cc: Manisha Moorjani  
cc: Martin Rowbottom  
cc: Maureen Zdanowicz  
cc: Moti Moorjani  
cc: Pamela Salem O'Hagan  
cc: Rosemarie Osowick  
cc: Sue Stolar  
cc: Suoeja Kummar  
cc: Suneel Kulkarni  
cc: Susan Rita Feierman Solomon  
cc: Tyler Chapman

Jennifer Compton <jennifer.compton@sunfcu.org>

May 27, 2021 5:38 AM

To: "Deepak"  
RE: Adult Protection Services

---

I'm hoping for the best for your mom.

**Jennifer Compton**  
SEG Relationship Manager (NMLS #809440)  
Phone: 419.794.7482  
Fax: 419.893.5071



1627 Holland Road | Maumee, OH 43537-1622 | 800.786.0945

Follow Sun Federal:



---

**From:** Deepak  
**Sent:** Wednesday, May 26, 2021 7:07 PM  
**To:** Jennifer Compton <jennifer.compton@sunfcu.org>  
**Subject:** Adult Protection Services

---

Hi Jennifer,

I spoke with Adult Protection Services in Lucas County, and I gave your name as one of the references. Here are the issues that they might consider:

- an inability to handle personal finances
- exploitation: my mom's inability to live in her house in San Diego, because Sunil and his wife (Seema) will not allow her
- recent hospitalization: last month's broken pelvis
- previous interventions: the Jan 08, 2019 suicide red flag that you correctly raised (but was ignored by most).

Have a great weekend.

Deepak

This email and any files transmitted with it are the property of Sun Federal Credit Union, are confidential, and are intended solely for the use of the individual or entity to which this e-mail is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Any opinions expressed are those of the sender and do not necessarily represent those of Sun Federal Credit Union.

Warning: Computer viruses can be transmitted via email. Although the credit union has taken reasonable precautions to ensure no viruses are present in this email, the credit union cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

"deepak"

June 6, 2021 8:32 PM

To: seemakulkarni@yahoo.com

Cc: moorjani@gmx.com, ladybird\_7@hotmail.com, zubiemoorjani@icloud.com, gulmoorjani@yahoo.com

Reply-To:

Notice of Elder Abuse: Seema Moorjani and Sunil Moorjani

1 Attachment, 194 KB

Hi Seema,

On May 22, 2021, I emailed two audio recordings to Seema Moorjani which demonstrate my mom's lack of competence. Subsequently, Seema Moorjani and Sunil Moorjani changed my mom's phone number in order to isolate my mom further.

Seema Moorjani and Sunil Moorjani are actively seeking to exploit my mom's lack of competence. Until May 22, 2021, my mom's cellphone number was 858.226.6036. The attached May 24, 2021 audio recording demonstrates that my mom's phone number has been changed.

My mom does not have the ability to change her number: my mom's cellphone service is controlled by Seema Moorjani and Sunil Moorjani.

This is not a one-time event, but this demonstrates a pattern of elder abuse. Previously, my mom's cellphone was 858.353.6731. Subsequent to Jennifer Compton's suicide red flag on January 08, 2019, Seema Moorjani and Sunil Moorjani changed my mom's cellphone number from 858.353.6731 to 858.226.6036 without notification.

Deepak

--

Deepak Moorjani

Confidentiality Notice:

This e-mail message, including any attachments, is for the sole use of the intended recipient(s).

Any unauthorized review, use, disclosure or distribution of this information is prohibited.

If this was received in error, please (i) notify the sender by email and (ii) destroy all copies of the original message.



2021052508...m4a (194 KB)

"Bassirian, Zagros S." <zag.bassirian@procopio.com>

September 21, 2021 7:59 AM

From: "Bassirian, Zagros S." <zag.bassirian@procopio.com>  
To: "Alessio, John D." <john.alessio@procopio.com>, "Turpin, Melissa Avitia" <Melissa.Turpin@procopio.com>

Cc: "Alessio, John D." <john.alessio@procopio.com>, "Turpin, Melissa Avitia" <Melissa.Turpin@procopio.com>  
RE: Moorjani v. Moorjani - Meet and Confer

1 Attachment, 7 KB

Mr. Moorjani –

Thank you for calling and leaving a message. This will confirm we are scheduled for you to call my office at 10:30 am on Wednesday, 9/22. Will you be calling from 609.224.4444?

You requested we delete your e-mail addresses from our records because our possession of them is a violation of your personal data. However, particularly in litigation, contact information for parties and non-parties is not protected information. We are aware that you communicated via e-mail with your mother's attorney in the past, Mr. Jacobs, and we are simply doing the same as a convenient, efficient, and green method of communication. If you have a physical address that is not a PO Box, we can send copies of our correspondence to that address as well so that you may receive them in a timely manner.

Best,

**ZAG S. BASSIRIAN**  
ASSOCIATE  
PROCOPIO

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)

---

**From:** Bassirian, Zagros S.

**Sent:** Monday, September 20, 2021 9:26 AM

To: "Bassirian, Zagros S." <zag.bassirian@procopio.com>, "Alessio, John D." <john.alessio@procopio.com>, "Turpin, Melissa Avitia" <Melissa.Turpin@procopio.com>

**Cc:** Alessio, John D. <john.alessio@procopio.com>; Turpin, Melissa Avitia <Melissa.Turpin@procopio.com>

**Subject:** Moorjani v. Moorjani - Meet and Confer

Dear Mr. Moorjani –

Our office represents your mother and father, and Sunil and Seema in the lawsuit you filed against them on August 4, 2021. Please direct all future communications to our office.

I would like to schedule a time for a telephonic meet and confer with you this week pursuant to Code of Civil Procedure section 430.41 regarding our intended demurrer to the Complaint. I am available 9/21 after 2pm, 9/22 between 9 and 11, and 9/24 between 3 and 5.

Our understanding is you are representing yourself in this matter. If that changes at any time please let us know right away so we can communicate with them directly.

Thank you.

Best,

**ZAG S. BASSIRIAN**  
ASSOCIATE

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)



Tue Sep 21 2021 07:59:51

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this

"Bassirian, Zagros S." <zag.bassirian@procopio.com>

September 21, 2021 7:28 PM

Cc: "Alessio, John D." <john.alessio@procopio.com>, "Turpin, Melissa Avitia" <Melissa.Turpin@procopio.com>  
RE: Violation of Personal Data

1 Attachment, 7 KB

Mr. Moorjani –

I look forward to speaking with you tomorrow at 10:30 a.m. Please call my office line below.

Regarding the alleged violation of your personal data, you are a plaintiff in litigation that you filed against our clients, your family members. We obtained your e-mail addresses lawfully and we are communicating to you for a lawful purpose. A party's privacy rights are not violated by communicating with that party in regards to a lawsuit filed by that party. There is no law that prohibits our firm, as counsel for defendants in an action you filed, from communicating with you as a self-represented party. If you choose to retain counsel we will of course cease communicating with you directly and communicate with them, however, we will still not be obligated to delete your email addresses from our records.

For example, if this case proceeds past the pleading stage and discovery is conducted, we have the right to request relevant e-mails and communications from you and you will not be permitted to redact your contact information from them prior to their production. Contact information (addresses, phone numbers, e-mails, etc.) are within California's broad scope of discovery.

After a careful review of your request and relevant authorities, we respectfully decline to delete your e-mail addresses from our records.

Best,

**ZAG S. BASSIRIAN**  
ASSOCIATE

P. 619.906.5759 | F. 619.744.5478 | zag.bassirian@procopio.com  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](#)



-----Original Message-----

From: [redacted]  
Sent: Tuesday, September 21, 2021 10:50 AM  
To: Bassirian, Zagros S. <zag.bassirian@procopio.com>  
Cc: Alessio, John D. <john.alessio@procopio.com>; Turpin, Melissa Avitia <Melissa.Turpin@procopio.com>;  
moorjani@gmx.com; seemakulkarni@yahoo.com;  
zubiemoorjani@icloud.com; gulmoorjani@yahoo.com  
Subject: Violation of Personal Data

\* EXTERNAL EMAIL - Please use Caution. \*

Hi Zag,

I would be happy to speak to you, and I will call you on Wednesday at 10:30am. Alternatively, I can speak between 10:30-12pm on Thursday.

Please only use the contact information publicly listed on the complaint. In my voicemail, I stipulated that your response should be sent via phone, and I stated that you should not be using my personal data (e.g. personal email).

I consider the attached response ("20210921 Seema Moorjani, violation of personal data") to be a willful violation of my personal data. Your statements regarding Frank Jacobs are false and misleading, and I recently delivered a violation of personal data notice to Eastman & Smith.

To the best of my knowledge, I have not provided you with with any of my email addresses. If you have received this personal data, this was done without my knowledge and without my consent, and I consider your possession and your use of my email addresses to

be in violation of my personal data.

At your earliest convenience, please send a notarized certification that you have deleted my email addresses (and any other personal data) from your databases. Please deliver this to the physical address publicly listed on the complaint, and I would like this notarized certification to be signed by John Alessio, Melissa Turpin and Zag Bassirian (listed in alphabetical order).

Thank you.

Deepak Moorjani

--

Confidentiality Notice:

This e-mail message, including any attachments, is for the sole use of the intended recipient(s).

Any unauthorized review, use, disclosure or distribution of this information is prohibited.

If this was received in error, please (i) notify the sender by email and (ii) destroy all copies of the original message.

> -----Original Message-----

> From: Bassirian, Zagros S. <[zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)>

> Cc: Alessio, John D. <[john.alessio@procopio.com](mailto:john.alessio@procopio.com)>, Turpin, Melissa

> Avitia <[Melissa.Turpin@procopio.com](mailto:Melissa.Turpin@procopio.com)>, 'Deepak@moorjani.com'

> Subject: FW: Moorjani v. Moorjani - Meet and Confer

> Sent: 2021-09-20 3:17pm

>

> Mr. Moorjani –

>

> I am sending the below to your @moorjani.com address as well. Please

> confirm receipt and let me know which e-mail you prefer we use. Thank

> you.

>

> Best,

>

> ZAG S. BASSIRIAN  
> ASSOCIATE  
> PROCOPIO

>

> P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)

> 525 B STREET, SUITE 2200, SAN DIEGO, CA 92101 VIEW PROFILE |

> LINKEDIN | PROCOPIO.COM

>

> FROM: Bassirian, Zagros S.

> SENT: Monday, September 20, 2021 9:26 AM

> Cc: Alessio, John D. <[john.alessio@procopio.com](mailto:john.alessio@procopio.com)>; Turpin, Melissa

> Avitia <[Melissa.Turpin@procopio.com](mailto:Melissa.Turpin@procopio.com)>

> SUBJECT: Moorjani v. Moorjani - Meet and Confer

>

> Dear Mr. Moorjani –

>

> Our office represents your mother and father, and Sunil and Seema in

> the lawsuit you filed against them on August 4, 2021. Please direct

> all future communications to our office.

>

> I would like to schedule a time for a telephonic meet and confer with

> you this week pursuant to Code of Civil Procedure section 430.41

> regarding our intended demurrer to the Complaint. I am available 9/21

> after 2pm, 9/22 between 9 and 11, and 9/24 between 3 and 5.

>

> Our understanding is your are representing yourself in this matter.

> If that changes at any time please let us know right away so we can

> communicate with them directly.

>

> Thank you.



>  
> Best,  
>  
> ZAG S. BASSIRIAN  
> ASSOCIATE  
> —  
> P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
> 525 B STREET, SUITE 2200, SAN DIEGO, CA 92101 VIEW PROFILE |  
> LINKEDIN | PROCOPIO.COM  
>  
> Mon Sep 20 2021 16:00:23  
>  
> This is an email from Procopio, Cory, Hargreaves & Savitch LLP,  
> Attorneys at Law. This email and any attachments hereto may contain  
> information that is confidential and/or protected by the  
> attorney-client privilege and attorney work product doctrine. This  
> email is not intended for transmission to, or receipt by, any  
> unauthorized persons. Inadvertent disclosure of the contents of this  
> email or its attachments to unintended recipients is not intended to  
> and does not constitute a waiver of attorney-client privilege or  
> attorney work product protections. If you have received this email in  
> error, immediately notify the sender of the erroneous receipt and  
> destroy this email, any attachments, and all copies of same, either  
> electronic or printed. Any disclosure, copying, distribution, or use  
> of the contents or information received in error is strictly  
> prohibited.  
>

Tue Sep 21 2021 19:28:10

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.

Wednesday, October 6, 2021

*a memo from the desk of*  
***Deepak Moorjani***

Seema Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131-3762

*cc: Sunita Karnani*

*cc: Brigid Heid*

*cc: Floradeliza Moorjani*

*cc: Hossein Elgafy*

*cc: Jennifer Compton*

*cc: Julia Tirella*

*cc: Lisa Stout*

*cc: Lynn Balshone Jacobs*

*cc: Lachman Chablani*

*cc: Karen Denune*

*cc: Martin Rowbottom*

*cc: Maureen Zdanowicz*

*cc: Shirley Joseph*

*cc: Sue Stolar*

*cc: Sunil Moorjani*

*cc: Susan Solomon*

*To: Seema Moorjani*

*Re: Petition for Legal Guardianship*

I plan to petition for legal guardianship of Zubeida Moorjani in order to cure previous and prevent future instances of elder abuse. I hope that you will support me in this petition.

Please note that the attached quote for legal services is dated July 23, 2021. As background, Kevin Heban is Sue Stolar's neighbor.

.....

Oriet Cohen-Supple <oriet@wrightandsupple.com>

October 12, 2021 1:35 PM

To: Deepak Moorjani

FW: Moorjani - Recent Letters from Deepak

5 Attachments, 6.4 MB

Dear Mr. Moorjani,

**Warm Regards,**  
**Oriet Cohen-Supple**  
Partner



Wright & Supple LLP  
660 Key Route Blvd. | Albany, California 94706-1423  
(510) 495-5749 (direct)  
[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com) | [www.wrightandsupple.com](http://www.wrightandsupple.com)

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

---

**From:** Bassirian, Zagros S. <[zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)>  
**Sent:** Tuesday, October 12, 2021 1:26 PM  
**To:** Oriet Cohen-Supple <[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com)>  
**Cc:** Turpin, Melissa Avitia <[Melissa.Turpin@procopio.com](mailto:Melissa.Turpin@procopio.com)>  
**Subject:** Moorjani - Recent Letters from Deepak

Oriet –

I am attaching recent letters received by our client from your client. You should be aware of them if you are not already.

Best,

**ZAG S. BASSIRIAN**  
ASSOCIATE

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)



Tue Oct 12 2021 13:26:36

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.



[Zubie – Lett....pdf \(4.9 MB\)](#) [Zubie – Fro....pdf \(946 KB\)](#)

Oriet Cohen-Supple <oriet@wrightandsupple.com>

October 13, 2021 9:00 AM

To: Deepak Moorjani

Cc: Mary Wright <mary@wrightandsupple.com>

FW: Moorjani matter -- a follow up question for you ...

2 Attachments, 9 KB

It's critical to get this information as early as possible. We will give your client additional time to re consider their position. And I will reach out early next week to further discuss.

---

**From:** Oriet Cohen-Supple

**Sent:** Wednesday, October 13, 2021 8:59 AM

**To:** Bassirian, Zagros S. <zag.bassirian@procopio.com>

**Cc:** Mary Wright <mary@wrightandsupple.com>

**Subject:** RE: Moorjani matter -- a follow up question for you ...

It's critical info if your clients wish to resolve this case amicably. We will give your client additional time to re consider their position. And I will reach out early next week to further discuss.

---

**From:** Bassirian, Zagros S. <zag.bassirian@procopio.com>

**Sent:** Wednesday, October 13, 2021 8:57 AM

**To:** Oriet Cohen-Supple <oriet@wrightandsupple.com>

**Subject:** RE: Moorjani matter -- a follow up question for you ...

Good Morning, Oriet –

I am not authorized to provide that information. Our clients, including Deepak's mother, do not wish for Deepak to know where she resides at this time.

Best,

**ZAG S. BASSIRIAN**

ASSOCIATE  
PROCOPIO

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101

[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)

---

**From:** Oriet Cohen-Supple <oriet@wrightandsupple.com>

**Sent:** Wednesday, October 13, 2021 8:21 AM

**To:** Bassirian, Zagros S. <zag.bassirian@procopio.com>

**Subject:** RE: Moorjani matter -- a follow up question for you ...

**\* EXTERNAL EMAIL - Please use Caution. \***

Good morning

Can you please confirm whether the mother is now back in California and living with Deepak's brother and his wife? Or if not, where is she living?

Thanks,

**Warm Regards,**  
**Oriet Cohen-Supple**  
Partner



Wright & Supple LLP  
660 Key Route Blvd. | Albany, California 94706-1423  
(510) 495-5749 (direct)  
[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com) | [www.wrightandsupple.com](http://www.wrightandsupple.com)

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

---

**From:** Bassirian, Zagros S. <[zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)>  
**Sent:** Monday, October 11, 2021 2:42 PM  
**To:** Oriet Cohen-Supple <[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com)>  
**Subject:** Moorjani - CMC order

**ZAG S. BASSIRIAN**  
ASSOCIATE

---

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)



Mon Oct 11 2021 14:42:31

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.

Wed Oct 13 2021 08:56:52

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.

Oriet Cohen-Supple <oriet@wrightandsupple.com>

October 13, 2021 10:38 AM

FW: Moorjani matter -- a follow up question for you ...

2 Attachments, 9 KB

From: Bassirian, Zagros S. <zag.bassirian@procopio.com>

**From:** Bassirian, Zagros S. <zag.bassirian@procopio.com>

**Sent:** Wednesday, October 13, 2021 10:35 AM

**To:** Oriet Cohen-Supple <oriet@wrightandsupple.com>

**Cc:** Mary Wright <mary@wrightandsupple.com>

**Subject:** RE: Moorjani matter -- a follow up question for you ...

Oriet –

The reason why you received the response you did is a product of Deepak's own doing. His consistent harassment of Zubie, family, and friends over the last decade has left everyone feeling deeply concerned and emotionally distressed about what he might do next. Our clients will not sit back and continue to suffer any longer. For example, in 2014, Deepak sent a package to his mother demanding she sign a power of attorney in his favor, and threatened to file a court action alleging her incompetence with a goal of appointing him as her legal guardian. Zubie's attorney in Ohio sent him an e-mail stating Zubie told him Deepak had been very aggressive towards her to the point of being not only insulting, but abusive and overbearing. Mr. Jacobs relayed Zubie's wish that Deepak was not welcome at her home, the locks were changed, and should he attempt to enter the premises the police would be called. That directive remains, and should Deepak (directly or indirectly) attempt to visit our clients for any reason, we will seek a civil harassment restraining order against him immediately due to his continued course of conduct to harass our clients.

No undue influence is being exerted over Zubie, and her physician has once again recently certified that she is competent to handle her affairs. The bottom line is Deepak must stay away. If he insists on proceeding with his meritless lawsuit and/or threatened elder abuse claims, which is based on nothing more than rank conjecture, our clients will vigorously defend them and use any and all means available to seek recourse from the Court. I would encourage you to fully vet claims he may wish to file before actually doing so.

Notwithstanding the above, and if your client agrees to drop his claims, our clients are willing to provide the physician's finding of competence and a notarized statement from Zubie declaring her wish that she does not want Deepak to be a part of her life, and that he should cease attempting to contact her.

Best,

**ZAG S. BASSIRIAN**

ASSOCIATE  
PROCOPIO

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)

**From:** Oriet Cohen-Supple <oriet@wrightandsupple.com>

**Sent:** Wednesday, October 13, 2021 8:59 AM

**To:** Bassirian, Zagros S. <zag.bassirian@procopio.com>

**Cc:** Mary Wright <mary@wrightandsupple.com>

**Subject:** RE: Moorjani matter -- a follow up question for you ...

**\* EXTERNAL EMAIL - Please use Caution. \***

It's critical info if your clients wish to resolve this case amicably. We will give your client additional time to re consider their position. And I will reach out early next week to further discuss.

---

**From:** Bassirian, Zagros S. <[zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)>  
**Sent:** Wednesday, October 13, 2021 8:57 AM  
**To:** Oriet Cohen-Supple <[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com)>  
**Subject:** RE: Moorjani matter -- a follow up question for you ...

Good Morning, Oriet –

I am not authorized to provide that information. Our clients, including Deepak's mother, do not wish for Deepak to know where she resides at this time.

Best,

**ZAG S. BASSIRIAN**  
ASSOCIATE  
PROCOPIO

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)

---

**From:** Oriet Cohen-Supple <[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com)>  
**Sent:** Wednesday, October 13, 2021 8:21 AM  
**To:** Bassirian, Zagros S. <[zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)>  
**Subject:** RE: Moorjani matter -- a follow up question for you ...

**\* EXTERNAL EMAIL - Please use Caution. \***

Good morning

Can you please confirm whether the mother is now back in California and living with Deepak's brother and his wife? Or if not, where is she living?

Thanks,

**Warm Regards,**  
**Oriet Cohen-Supple**  
Partner



Wright & Supple LLP  
660 Key Route Blvd. | Albany, California 94706-1423  
(510) 495-5749 (direct)  
[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com) | [www.wrightandsupple.com](http://www.wrightandsupple.com)

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

---

**From:** Bassirian, Zagros S. <[zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)>  
**Sent:** Monday, October 11, 2021 2:42 PM  
**To:** Oriet Cohen-Supple <[oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com)>  
**Subject:** Moorjani - CMC order

**ZAG S. BASSIRIAN**  
ASSOCIATE

P. 619.906.5759 | F. 619.744.5478 | [zag.bassirian@procopio.com](mailto:zag.bassirian@procopio.com)  
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101  
[View Profile](#) | [LinkedIn](#) | [procopio.com](http://procopio.com)



Mon Oct 11 2021 14:42:31

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.

Wed Oct 13 2021 08:56:52

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.

Wed Oct 13 2021 10:35:16

This is an email from Procopio, Cory, Hargreaves & Savitch LLP, Attorneys at Law. This email and any attachments hereto may contain information that is confidential and/or protected by the attorney-client privilege and attorney work product doctrine. This email is not intended for transmission to, or receipt by, any unauthorized persons. Inadvertent disclosure of the contents of this email or its attachments to unintended recipients is not intended to and does not constitute a waiver of attorney-client privilege or attorney work product protections. If you have received this email in error, immediately notify the sender of the erroneous receipt and destroy this email, any attachments, and all copies of same, either electronic or printed. Any disclosure, copying, distribution, or use of the contents or information received in error is strictly prohibited.



*a memo from the desk of*  
**Deepak Moorjani**

Friday, November 19, 2021

Adult Protective Services  
Health and Human Services Agency  
County of San Diego  
1600 Pacific Hwy, #206  
San Diego, CA 92101

to: Adult Protective Services

subject: Zubeida Moorjani, MD

Today, I called 800.339.2021 to open an investigation, and I spoke with Pam about Zubeida Moorjani, my mother. She is an elder person who is a retired medical doctor.

On May 25, 2021, I called APS and spoke with Tiffany. At the time, my mom was living at her house in Toledo, Ohio; therefore, I was unable to file a report in San Diego. On May 25, 2021, I filed a report in Lucas County, Ohio for (i) neglect and abandonment and (ii) financial abuse.

My mom is an elder with the following issues

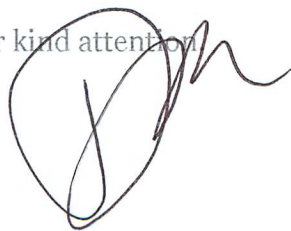
- A medical condition (e.g. high blood pressure)
- A recent hospitalization (e.g. broken pelvis)
- A person who is unable to manager her finances (e.g. pay her bills, balance her checkbook).
- A person who has had previous interventions (e.g. attached Suicide Red Flag).

These issues are described in the attached First Amended Complaint; this has been filed as a part of San Diego Superior Court Case No. 37-2021-00033119-CU-OR-CTL.

In San Diego, her contacts are

1. John Alessio. 525 B Street, Suite 2200, San Diego, CA 92101. (619) 238-1900.  
john.alessio@procopio.com
2. Seema Moorjani. 11881 Cypress Valley Drive, San Diego, CA 92131-3762. (858) 342-2837.  
seemakulkarni@yahoo.com
3. Sunil Moorjani. 11881 Cypress Valley Drive, San Diego, CA 92131-3762. (858) 342-2837.  
moorjani@gmx.com

Thank you for your kind attention.



.....

Deepak Moorjani, MD, 11881 Cypress Valley Drive, San Diego, CA 92131-3762. (858) 342-2837.

**Exhibit B**

**Procopio Representation**

**Meet and Confer re Demurrer**

**Date: September 21, 2021**

**Stipulation and [Proposed] Order**

**Date: October 22, 2021**



PROCOPIO  
525 B Street  
Suite 2200  
San Diego, CA 92101  
T. 619.238.1900  
F. 619.235.0398

ZAGROS S. BASSIRIAN  
P. 619.906.5759  
zag.bassirian@procopio.com

DEL MAR HEIGHTS  
LAS VEGAS  
ORANGE COUNTY  
PHOENIX  
SAN DIEGO  
SILICON VALLEY

September 21, 2021

**VIA U.S. MAIL AND E-MAIL (DEL MAR HEIGHTS/DEL MAR)**

Mr. Deepak Moorjani  
5541 Canyon Blvd, Box #10000  
Suite 100, CA 92121-0000

Re: *Moorjani v. Moorjani, et al.*  
San Diego Superior Court Case No.: 37-2021-00033119-CU-OR-CTL  
Meet and Confer re Demurrer

Dear Mr. Moorjani:

As you know, our office represents Zubeida Moorjani, Gulab Moorjani, Sunil Moorjani, and Seema Moorjani in the above-referenced lawsuit.<sup>1</sup> Our understanding is you are representing yourself in this matter. If that changes at any time please let us know right away so we can communicate with your attorney directly. Pursuant to Code of Civil Procedure § 430.41, we send this in advance of our required meet and confer before we file our intended demurrer to your Complaint. Code of Civil Procedure § 430.41(a)(1) provides:

As part of the meet and confer process, the demurring party shall identify all of the specific causes of action that it believes are subject to demurrer and identify with legal support the basis of the deficiencies. The party who filed the complaint...shall provide legal support for its position that the pleading is legally sufficient or, in the alternative, how the complaint...could be amended to cure any legal insufficiency.

(Code Civ. Proc., § 430.41(a)(1).)

---

<sup>1</sup> Given that the parties share the same last name we will refer to individuals by their first name. No disrespect is intended.

## **1. The Complaint**

The Complaint asserts three causes of action: (1) Quiet Title; (2) Cancellation of Instrument; and (3) Partition and Forced Sale.

The relevant allegations in the Complaint are: (i) you held title and interest in 6323 Caminito del Cervato, San Diego, CA 92111 (the “Caminito Residence”) (Complaint, ¶ 13); (ii) you hold title and interest in 11881 Cypress Valley Drive (the “Cypress Residence”) (*Id.*); (iii) real estate records should reflect the title owners of the Caminito Residence as you, your father, mother, and brother (¶ 15); and you and your brother are joint tenants of the Cypress Residence and you trace your title to a source common to the chains of title of “plaintiff and defendant.” (*Id.*, ¶ 37.)

You also seek to void the Quitclaim Deed, Doc# 2008-0661412 (the “December 2008 Quitclaim Deed”) on the basis that your parents did not have the competence to execute the document, that Sunil and Seema induced your parents to execute the December 2008 Quitclaim Deed, and that your parents will be deprived of title and possession of the Cypress Residence if the deed is not cancelled. (Complaint, ¶¶ 59, 61, 63.) Finally, you seek a partition and forced sale of the Cypress Property given the competing interests between multiple parties. (*Id.*, ¶ 67.)

## **2. The Law**

A party may demur if a complaint fails to state facts sufficient to constitute a cause of action, or one or more cause(s) of action are uncertain. (Code Civ. Proc. § 430.10(e).) A complaint fails to state a cause of action if the cause of action alleged does not lie and no cause of action on any theory is stated. (*Otworth v. Southern Pac. Transportation Co.* (1985) 166 Cal.App.3d 452, 461.) The Court is authorized to consider any matter which the Court must or may judicially notice under Evidence Code §§ 451 or 452. (Code Civ. Proc., § 430.30(a).)

### **a. Quiet Title**

Quiet title claims are governed by Code of Civil Procedure § 761.020, which provides that a complaint “shall be verified,” and it must describe (1) the property, (2) the basis of plaintiff’s title, (3) the adverse claims to plaintiff’s title, (4) the date as of which the determination is sought, and (5) a prayer for giving superior title to plaintiff against the adverse claims. (Code Civ. Proc., § 761.020.)

First, the all of the allegations in the Complaint are asserted on information and belief, and the “verification” is also based on information and belief. “I, Deepak Moorjani, hereby verify that the statements set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.” When a plaintiff verifies a complaint, it constitutes an oath that each allegation is true *except* as to matters alleged therein on information and belief. (Code Civ. Proc., 446.) The usual language is “that the same is true of his or her own knowledge, except as to the matters which are therein stated on his or her information and belief, and as to those matters that he or she believes it to be true.” To qualify as a verification, it must also contain the language specified by Code of Civil Procedure § 2015.5: “I certify (or declare) under penalty of perjury that the foregoing is true and correct.” This language is absent from the Complaint. Additionally, plaintiffs may not allege facts on information and belief where they have reason to know them directly. For example, matters the

plaintiff has constructive knowledge of, e.g., facts ascertainable from public records. (*Searcy v. Hemet Unified School Dist.* (1986) 177 Cal.App.3d 792, 802.)

To prevail on a quiet title claim, a plaintiff must establish title to the property in dispute. (*Thompson v. Loane* (2017) 11 Cal.App.5th 1180, 1195.) It follows that absent an interest in the property, a party has no standing to ask the court to quiet title in the property or to obtain damages for the cloud on title. An action to cancel a trustee's deed or other instrument purportedly transferring title is no different. "One without any title or interest in the property cannot maintain such an action." (*Chao Fu, Inc. v. Chen* (2012) 206 Cal.App.4th 48, 59.)

We have reviewed the deeds for both properties, and the Court may take judicial notice of those documents pursuant to Evidence Code § 452 in ruling on a demurrer. In short, you were never listed as a holder of title on any deed related to the properties at issue.

- On March 2, 1992, your parents took title to the Caminito Residence as joint tenants. (Exhibit A.)
- On October 13, 1999, a quitclaim deed was recorded whereby your parents and Sunil took title to the Caminito Residence as joint tenants. (Exhibit B.)
- On September 25, 2008, the sellers of the Cypress Property transferred title to Sunil and Seema as their community property. (Exhibit C.)
- On December 31, 2008, the December 2008 Quitclaim Deed was recorded whereby Sunil and Seema and your parents took title to the Cypress Residence as joint tenants. (Exhibit D.)

In other words, and contrary to the "verified" allegations in the Complaint, public records establish you never held title and interest in either property. Thus, you lack standing to bring the quiet title cause of action and this claim fails as a matter of law.

#### **b. Cancellation of Written Instrument**

The Complaint seeks to invalidate the December 2008 Quitclaim Deed. In addition to having no standing to assert this claim (*Chao Fu, Inc., supra*, at 59), the Complaint must show the plaintiff will be injured or prejudiced if the instrument is not cancelled and that such instrument is void or voidable. (*Santana v. BSI Financial Services, Inc.* (S.D. Cal. 2020) 495 F.Supp.3d 926, 950.) Plaintiffs must provide facts, "not mere conclusions, showing the apparent validity of the instrument designated, and point out the reason for asserting that it is actually invalid." (*Ephraim v. Metropolitan Trust Co. of California* (1946) 28 Cal. 2d 824, 833.) Here, the Complaint alleges that if the deed is not cancelled, your parents will be deprived of title and possession, and that your mother requires access to her property. This is insufficient. It is also based on an incorrect premise. If the December 2008 Quitclaim Deed is cancelled, your parents would no longer be holders of title to the Cypress Property at all. Accordingly, this claim fails as a matter of law.

**c. Partition and Forced Sale**

Partition is the procedure for segregating and terminating common interests in the same parcel of property. The process does not involve a transfer of title; the parties already have title, and their common title is merely being divided. A partition segregates and terminates the common interests in a parcel of property, but it does not create or convey new or additional interests. The only result is that the common interests become interests in severalty.

This cause of action seeks a forced sale of the Cypress Property. Because you are not a co-tenant, co-owner, and hold no other present legal title interest in the Cypress Property, you have no standing to bring this claim and it also fails as a matter of law.

Given the above, we ask that you dismiss the Complaint with prejudice no later than **September 24, 2021**. Our deadline to respond to the Complaint on behalf of Sunil and Seema is Monday, September 27, 2021. If you need additional time to consider the contents of this letter please confirm your agreement to continue that deadline 30 days.

Of course, nothing contained herein shall be considered a waiver of our clients' rights, all of which are expressly reserved. If you have any legal authority to support conclusions other than as discussed above, please provide them at your earliest convenience. Thank you.

Best,



Zagros S. Bassirian

ZSB  
Enclosures

# **Exhibit A**

RECORDING REQUESTED BY

UNION LAND TITLE CO.

AND WHEN RECORDED MAIL THIS DEED AND UNLESS OTHERWISE SHOWN BELOW MAIL TAX STATEMENT TO

Name **GULAB I. & ZUBEIDA G. MOORJANI** 2192  
Street Address **6323 CAMINITO DEL CERVATO**  
City & State **SAN DIEGO CA 92111**

MAIL TAX STATEMENTS TO

Name **SAME AS ABOVE**  
Street Address  
City & State

TITLE ORDER NO. **74806-07** LECROW NO. **8591-BK**

DOC # **1992-0112303**  
02-MAR-1992 08:00 AM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
ANNETTE EVANS, COUNTY RECORDER  
RF: 4.00 FEES: 261.00  
AF: 3.00 OC  
MF: 1.00  
TAX: 253.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

431-732-12-10

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ **253.00**  
☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ unincorporated area  
☒ city of **SAN DIEGO**, AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
**PAUL R. GREENBERG AND PAULA J. GREENBERG, HUSBAND AND WIFE**

hereby GRANT(s) to  
\***GULAB I. MOORJANI AND ZUBEIDA G. MOORJANI, husband and wife, as joint tenants**

the following described real property in the **City of SAN DIEGO**  
County of **SAN DIEGO**, State of California:  
**LIVING UNIT NO. 116, AN UNDIVIDED 1/16TH FRACTIONAL INTEREST IN AND TO LOT 28 OF UNIVERSITY CANYON, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 10694, FILED ON AUGUST 9, 1983, AS MORE PARTICULARLY DESCRIBED ON ATTACHED 'EXHIBIT A' AND BY THIS REFERENCE IS MADE A PART HEREOF.**

Dated Feb. 12, 1992

STATE OF CALIFORNIA  
COUNTY OF **SAN DIEGO**

On **FEBRUARY 13, 1992** before me, **BETTY J KOEPPEN**

**PAUL R. GREENBERG AND PAULA J. GREENBERG**, personally appeared

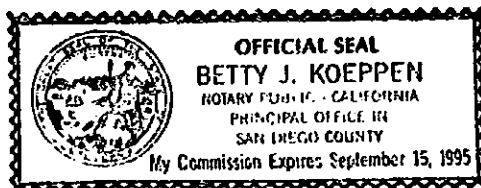
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~are~~ subscribed to the within instrument and acknowledged to me that ~~they~~ they executed the same in ~~their~~ their authorized capacity(ies), and that by ~~their~~ their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

*Betty J. Koeppe*

*Paul R. Greenberg*  
**PAUL R. GREENBERG**  
*Paula J. Greenberg*  
**PAULA J. GREENBERG**



(This area for official notarial seal)



GRANT DEED DATED FEB. 12, 1992

GRANTOR: GREENBERG  
GRANTEE: MOORJANI

## EXHIBIT A

A CONDOMINIUM COMPOSED OF:

## PARCEL 1:

AN UNDIVIDED 1/16TH FRACTIONAL INTEREST IN AND TO LOT 28 OF UNIVERSITY CANYON, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 10694, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, ON AUGUST 9, 1983.

EXCEPTING THEREFROM THE FOLLOWING:

ALL LIVING UNITS AS SHOWN UPON THE FIRST SUPERSEDING UNIVERSITY CANYON EAST PHASE 5 CONDOMINIUM PLAN RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, ON MAY 1, 1987, AS DOCUMENT NO. 87-239984.

AND RESERVING THEREFROM:

THE RIGHT TO POSSESSION OF ALL THOSE AREAS DESIGNATED AS YARD EXCLUSIVE USE AREA AS SHOWN UPON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

## PARCEL 2:

LIVING UNIT NO. 116 SHOWN UPON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

## PARCEL 3:

THE EXCLUSIVE RIGHT TO USE, POSSESSION AND OCCUPANCY OF THOSE PORTIONS OF PARCEL 1 DESCRIBED ABOVE, SHOWN AS YARD EXCLUSIVE USE AREAS WHICH BEAR THE SAME NUMBER AS THE LIVING UNIT DESCRIBED IN PARCEL 2 ABOVE AS SHOWN ON THE CONDOMINIUM PLAN REFERRED TO ABOVE, WHICH RIGHT IS APPURTENANT TO PARCELS 1 AND 2 ABOVE DESCRIBED.

## PARCEL 4:

A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE COMMON AREA OF PHASES 1 THROUGH 4 DESCRIBED IN THE DECLARATION OF RESTRICTIONS, WHICH EASEMENT IS APPURTENANT TO PARCELS 1, 2 AND 3 DESCRIBED ABOVE. THIS EASEMENT SHALL BECOME EFFECTIVE AS TO THE OTHER PHASES, RESPECTIVELY, UPON RECORDATION OF A DECLARATION OF ANNEXATION DECLARING SUCH OTHER PHASES, RESPECTIVELY, TO BE SUBJECT TO THE DECLARATION OF RESTRICTIONS WHICH REQUIRES THE OWNERS OF SAID PHASES, RESPECTIVELY, TO BE MEMBERS OF THE UNIVERSITY CANYON EAST HOMEOWNERS ASSOCIATION AND CONVEYANCE OF THE FIRST CONDOMINIUM IN EACH RESPECTIVE PHASE, ALL AS MORE FULLY SET FORTH IN THE DECLARATION OF RESTRICTIONS. THE COMMON AREA REFERRED TO HEREIN AS TO SUCH PHASE SHALL BE AS SHOWN AND DESCRIBED ON THE CONDOMINIUM PLAN COVERING EACH SUCH PHASE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, EXCEPTING THEREFROM ANY RESIDENTIAL BUILDINGS THEREON AND ANY PORTION THEREOF WHICH MAY BE DESIGNATED AS YARD EXCLUSIVE USE AREA.

## PARCEL 5:

A NON-EXCLUSIVE EASEMENT ON AND OVER LOTS 27 AND 22 OF UNIVERSITY CANYON ACCORDING TO MAP THEREOF NO. 10694 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA ON AUGUST 9, 1983 AND DEFINED AS ASSOCIATION PROPERTY IN RECITAL F OF THE DECLARATION OF RESTRICTIONS, FOR ACCESS, USE, ENJOYMENT, INGRESS AND EGRESS OF THE AMENITIES LOCATED THEREON SUBJECT TO THE TERMS AND PROVISIONS OF THE DECLARATION OF RESTRICTIONS. THIS EASEMENT IS APPURTENANT TO ALL PARCELS DESCRIBED HEREIN. THE ASSOCIATION PROPERTY IS FOR THE USE OF OWNERS OF CONDOMINIUMS WHICH ARE SUBJECT TO THE DECLARATION OF RESTRICTIONS AND IS NOT FOR THE USE OF THE GENERAL PUBLIC. THIS EASEMENT SHALL BECOME EFFECTIVE UPON THE CONVEYANCE OF LOTS 27 AND 22, RESPECTIVELY, TO THE UNIVERSITY CANYON EACH HOMEOWNERS ASSOCIATION.

OFFICIAL RECORDS, AMELIE J. EVANS, SAN DIEGO COUNTY CLERK

# **Exhibit B**

RECORDING REQUESTED BY

DOC # 1999-0690144

Oct 13, 1999 9:21 AM

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

Name GULAB I. & ZUBEIDA G. &  
Street SUNIL G. MOORJANI  
Address  
City & State 6323 CAMINITO DEL CERVATO  
Zip SAN DIEGO  
CA 92111-6854  
Title Order No. Escrow No.

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER

FEES: 10.00  
OC: OC

2000



1999-0690144

SPACE ABOVE TH

T 360 LEGAL (1-94)

## Quitclaim Deed

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

0 DOLLARS GIFT

DOCUMENTARY TRANSFER TAX IS \$ NONE-FAMILY TRANSFER

☐ unincorporated area ☒ City of SAN DIEGO

Parcel No. 431-732-12-10

☐ computed on full value of property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
GULAB I. MOORJANI AND ZUBEIDA G. MOORJANI, husband and wife,

hereby REMISE, RELEASE AND FOREVER QUITCLAIM to

GULAB I. MOORJANI AND ZUBEIDA G. MOORJANI, husband and wife,  
AND SUNIL G. MOORJANI, single man, ALL AS JOINT TENANTS.

the following described real property in the city of San Diego,  
county of San Diego, state of California:

LIVING UNIT NO. 116, AN UNDIVIDED 1/16TH FRACTIONAL INTEREST  
IN AND TO LOT 28 OF UNIVERSITY CANYON, IN THE CITY OF SAN  
DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING  
TO MAP THEREOF NO. 10694, FILED ON AUGUST 9, 1983, AS MORE  
PARTICULARLY DESCRIBED ON ATTACHED "EXHIBIT A" AND BY THIS  
REFERENCE IS MADE A PART HEREOF.

Dated October 6, 1999

STATE OF ~~CALIFORNIA~~ OHIO  
COUNTY OF WOOD } S.S.

On Oct. 6, 1999

before me,

GULAB I. MOORJANI + ZUBEIDA G. MOORJANI  
a Notary Public in and for said County and State, personally appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

Judith C. Whitner

JUDITH C. WHITNER  
Notary Public - State of Ohio  
My Commission Expires 9-25-02

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City & State

A CONDOMINIUM COMPOSED OF:

PARCEL 1:

AN UNDIVIDED 1/16TH FRACTIONAL INTEREST IN AND TO LOT 28 OF UNIVERSITY CANYON, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 10694, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, ON AUGUST 9, 1983.

EXCEPTING THEREFROM THE FOLLOWING:

ALL LIVING UNITS AS SHOWN UPON THE FIRST SUPERSEDING UNIVERSITY CANYON EAST PHASE 5 CONDOMINIUM PLAN RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, ON MAY 1, 1987, AS DOCUMENT NO. 87-239984.

AND RESERVING THEREFROM:

THE RIGHT TO POSSESSION OF ALL THOSE AREAS DESIGNATED AS YARD EXCLUSIVE USE AREA AS SHOWN UPON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

PARCEL 2:

LIVING UNIT NO. 116 SHOWN UPON THE CONDOMINIUM PLAN REFERRED TO ABOVE.

PARCEL 3:

THE EXCLUSIVE RIGHT TO USE, POSSESSION AND OCCUPANCY OF THOSE PORTIONS OF PARCEL 1 DESCRIBED ABOVE, SHOWN AS YARD EXCLUSIVE USE AREAS WHICH BEAR THE SAME NUMBER AS THE LIVING UNIT DESCRIBED IN PARCEL 2 ABOVE AS SHOWN ON THE CONDOMINIUM PLAN REFERRED TO ABOVE, WHICH RIGHT IS APPURTENANT TO PARCELS 1 AND 2 ABOVE DESCRIBED.

PARCEL 4:

A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE COMMON AREA OF PHASES 1 THROUGH 4 DESCRIBED IN THE DECLARATION OF RESTRICTIONS, WHICH EASEMENT IS APPURTENANT TO PARCELS 1, 2 AND 3 DESCRIBED ABOVE. THIS EASEMENT SHALL BECOME EFFECTIVE AS TO THE OTHER PHASES, RESPECTIVELY, UPON RECORDATION OF A DECLARATION OF ANNEXATION DECLARING SUCH OTHER PHASES, RESPECTIVELY, TO BE SUBJECT TO THE DECLARATION OF RESTRICTIONS WHICH REQUIRES THE OWNERS OF SAID PHASES, RESPECTIVELY, TO BE MEMBERS OF THE UNIVERSITY CANYON EAST HOMEOWNERS ASSOCIATION AND CONVEYANCE OF THE FIRST CONDOMINIUM IN EACH RESPECTIVE PHASE, ALL AS MORE FULLY SET FORTH IN THE DECLARATION OF RESTRICTIONS. THE COMMON AREA REFERRED TO HEREIN AS TO SUCH PHASE SHALL BE AS SHOWN AND DESCRIBED ON THE CONDOMINIUM PLAN COVERING EACH SUCH PHASE, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, EXCEPTING THEREFROM ANY RESIDENTIAL BUILDINGS THEREON AND ANY PORTION THEREOF WHICH MAY BE DESIGNATED AS YARD EXCLUSIVE USE AREA.

PARCEL 5:

A NON-EXCLUSIVE EASEMENT ON AND OVER LOTS 27 AND 22 OF UNIVERSITY CANYON ACCORDING TO MAP THEREOF NO. 10694 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA ON AUGUST 9, 1983 AND DEFINED AS ASSOCIATION PROPERTY IN RECITAL F OF THE DECLARATION OF RESTRICTIONS, FOR ACCESS, USE, ENJOYMENT, INGRESS AND EGRESS OF THE AMENITIES LOCATED THEREON SUBJECT TO THE TERMS AND PROVISIONS OF THE DECLARATION OF RESTRICTIONS. THIS EASEMENT IS APPURTENANT TO ALL PARCELS DESCRIBED HEREIN. THE ASSOCIATION PROPERTY IS FOR THE USE OF OWNERS OF CONDOMINIUMS WHICH ARE SUBJECT TO THE DECLARATION OF RESTRICTIONS AND IS NOT FOR THE USE OF THE GENERAL PUBLIC. THIS EASEMENT SHALL BECOME EFFECTIVE UPON THE CONVEYANCE OF LOTS 27 AND 22, RESPECTIVELY, TO THE UNIVERSITY CANYON EACH HOMEOWNERS ASSOCIATION.

# **Exhibit C**



SEP 25, 2008 4:57 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 852.40  
OC: OC

PAGES: 2



8895

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE  
GRANT DEED

RECORDING REQUESTED BY:  
FIDELITY NATIONAL TITLE

AND WHEN RECORDED MAIL TO:  
Seema & Sunil Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131

Order No.: 406040-6  
Escrow No.: SP-01538-AH  
A.P.N.: 319-710-25-00

THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$840.40

CITY TRANSFER TAX IS \$.00

- [ X ] computed on full value of property conveyed, or  
 [ ] computed on full value less value of liens or encumbrances remaining at time of sale.  
 [ ] unincorporated area [ X ] City of San Diego AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**Nyle S. Marmion, Trustee and Debra M. Marmion, Trustee of The Marmion Trust dated July 10, 2003**  
hereby GRANT(S) to

**Seema Moorjani and Sunil Moorjani, wife and husband as community property with right of survivorship**

the following described real property in the County of San Diego, State of California:

See Exhibit "A" attached hereto and made a part hereof for complete legal description.

Dated: September 15, 2008

STATE OF CALIFORNIA  
COUNTY OF San Diego } ss.

On 24 Sept 2008 before me  
L. Kerby  
 Notary Public, personally appeared  
Nyle S. Marmion and  
Debra M. Marmion

The Marmion Trust dated July 10, 2003

By: Nyle S. Marmion, Trustee

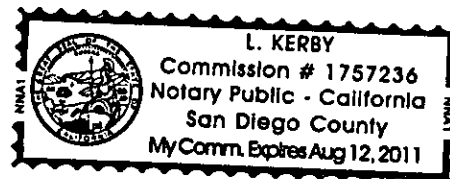
By: Debra M. Marmion, Trustee

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]  
 Signature of Notary  
 Commission Expiration Date: Aug 12-2011



(This area for official notarial seal)

MAIL TAX STATEMENTS TO: SAME AS ABOVE

2  
8896

Order No. 08-4060406

**LEGAL DESCRIPTION**

**EXHIBIT "ONE"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 56 of Cypress Valley Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 13558, filed in the Office of the County Recorder of San Diego County, April 8, 1998.

Assessor's Parcel No: 319-710-25

# **Exhibit D**





RECORDING REQUESTED BY

4325

DEC 31, 2008 11:43 AM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
DAVID L. BUTLER, COUNTY RECORDER  
FEES: 12.00  
DC: DC

PAGES: 2

WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO

NAME SEEMA & SUNIL G. & GULABI. &  
ZUBEIDA G MOORJANI

ADDRESS 11881 CYPRESS VALLEY DRIVE

CITY SAN DIEGO

STATE & ZIP CA 92131

TITLE ORDER NO. 406040-6

FL  
CP

ESCROW OR LOAN NO.

SP-01538-AH

APN NO.

319-710-25

## QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

GIFT- FAMILY TRANSFER

DOCUMENTARY TRANSFER TAX is \$ NONE (\$0) CITY TAX \$ 0☐ computed on full value of property conveyed, or ☐ computed on full value less value of liens or encumbrances remaining at time of sale,☐ Unincorporated area: ☒ City of SAN DIEGO, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SEEMA & SUNIL G. MOORJANI,  
HUSBAND AND WIFE,  
hereby remise, release and forever quitclaim to SEEMA & SUNIL G. MOORJANI, HUSBAND AND WIFE, AND  
GULABI. AND ZUBEIDA G. MOORJANI, HUSBAND AND WIFE, ALL AS JOINT TENANTS  
the following described real property in the County of SAN DIEGO, State of California:

AN UNDIVIDED EQUAL INTEREST, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO,  
STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED AS ATTACHED "EXHIBIT A"  
AND MADE A PART HEREOF FOR COMPLETE LEGAL DESCRIPTION.

Dated 12/31/08Seema MoorjaniSunil MoorjaniSeema MoorjaniSUNIL MOORJANISTATE OF CALIFORNIA  
COUNTY OF San Diego ) SSOn December 31, 2008 before me, Christine J. Seliger, Notary Public (here  
insert name and title of the officer), personally appeared Sunil Moorjani and Seema Moorjani

who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon  
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Christine J. Seliger

**LEGAL DESCRIPTION****4326****EXHIBIT ~~ONE~~ "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 56 of Cypress Valley Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 13558, filed in the Office of the County Recorder of San Diego County, April 8, 1998.

Assessor's Parcel No: 319-710-25

1 John D. Alessio (Bar No. 174900)  
E-mail:john.alessio@procopio.com  
2 Zagros S. Bassirian (Bar No. 299581)  
E-mail:zag.bassirian@procopio.com  
3 PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP  
4 525 B Street, Suite 2200  
San Diego, CA 92101  
5 Telephone: 619.238.1900  
Facsimile: 619.235.0398

6  
7 Attorneys for Defendants Gulab Moorjani, Seema Moorjani,  
Sunil Moorjani, and Zubeida Moorjani

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 DEEPAK MOORJANI,

11 Plaintiff,

12 v.

13 FLORADELIZA MOORJANI; GULAB  
MOORJANI; JASWANT MOORJANI; SEEMA  
14 MOORJANI; SUNIL MOORJANI; ZUBEIDA  
MOORJANI,

15 Defendants.  
16  
17

Case No. 37-2021-00033119-CU-OR-CTL

**STIPULATION AND [PROPOSED]  
ORDER TO FILE FIRST AMENDED  
COMPLAINT**

Dept: C-65  
Judge: Hon. Ronald F. Frazier

Complaint Filed: August 4, 2021  
Trial Date: Not yet set

***"IMAGED FILE"***

18 Plaintiff DEEPAK MOORJANI ("Plaintiff") and Defendants GULAB MOORJANI,  
19 SEEMA MOORJANI, SUNIL MOORJANI, and ZUBEIDA MOORJANI (hereinafter,  
20 "Defendants"), though their counsel, hereby stipulate as follows:

21 1. WHEREAS, on August 4, 2021, Plaintiff filed a Complaint to: (a) Quiet Title; (b)  
22 Cancellation of Instrument; and (c) Partition and Forced Sale;

23 2. WHEREAS, the parties met and conferred regarding Defendants' intended demurrer  
24 to the Complaint;

25 3. WHEREAS, Plaintiff has agreed to file a First Amended Complaint no later than  
26 November 23, 2021;

27 4. WHEREAS, as a result of Plaintiff's agreement to file a First Amended Complaint,  
28 the parties agree that Defendants have no obligation to respond to the Complaint.

1           5.       The parties agree that the execution of this stipulation shall not constitute a waiver of  
2 any party's rights, interests or remedies relating to the prosecution or defense of the above action.

3           6.       The parties agree that the execution of this stipulation shall not be construed as an  
4 admission of liability on the part of Defendants, or any of them, as to any portions of the Complaint  
5 or First Amended Complaint.

6           7.       This stipulation may be executed electronically and electronic signatures may be used  
7 in lieu of originals.

8           SO STIPULATED.

9  
10          DATED: October 22, 2021

WRIGHT & SUPPLE LLP

11  
12          By: 

Oriet Cohen-Supple  
Mary Wright  
Attorneys for Plaintiff Deepak Moorjani

13  
14  
15          DATED: October 22, 2021

PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP

16  
17  
18          By: 

John D. Alessio  
Zagros S. Bassirian  
Attorneys for Defendants Gulab Moorjani,  
Seema Moorjani, Sunil Moorjani, and  
Zubeida Moorjani

19  
20  
21                   **ORDER**

22           Based on the stipulation of the parties, and good cause appearing, the Court issues the  
23 following Order:

- 24
- 25           1.       Plaintiff shall file a First Amended Complaint on or before November 23, 2021.
  - 26           2.       Defendants have no obligation to respond to the current Complaint filed on August 4,  
27                   2021.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. The execution of this stipulation shall not constitute a waiver of any party's rights, interests or remedies relating to the prosecution or defense of the above action.
4. The execution of this stipulation shall not be construed as an admission of liability on the part of Defendants, or any of them, as to any portions of the Complaint or First Amended Complaint.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Ronald F. Frazier, Judge of the Superior Court

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 525 "B" Street, Suite 2200, San Diego, California 92101. On October 25, 2021, I served the within documents:

**STIPULATION AND [PROPOSED] ORDER TO FILE FIRST AMENDED COMPLAINT**

- ☐ **BY U.S. MAIL** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.
- ☐ **BY ELECTRONIC MAIL SERVICE** based upon court order or an agreement of the parties to accept service by electronic transmission, by electronically mailing the document(s) listed above to the e-mail address(es) set forth below, or as stated on the attached service list and/or by electronically notifying the parties set forth below that the document(s) listed above can be located and downloaded from the hyperlink provided. No error was received, within a reasonable time after the transmission, nor any electronic message or other indication that the transmission was unsuccessful.
- ☒ **BY ELECTRONIC SERVICE (via One Legal Online Court Services):** I served upon the designated recipients via electronic transmission through the One Legal system on October 25, 2021. Upon completion of said transmission of said documents, a certified receipt is issued to filing party acknowledging receipt by One Legal's system. Once One Legal has served all designated recipients, proof of electronic service is returned to the filing party.

Oriet Cohen-Supple, Esq.

Mary Wright, Esq.

Wright &amp; Supple LLP

600 Key Route Blvd.

Albany, CA 94706-1423

Telephone: (510) 495-5749

Email: [oriet@wrightandsupple.com](mailto:oriet@wrightandsupple.com)Email: [mary@wrightandsupple.com](mailto:mary@wrightandsupple.com)*Attorneys for Plaintiff Deepak Moorjani*

- ☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 25, 2021, at San Diego, California.

  
Melissa Avitia Turpin

Exhibit C

First Amended Complaint

Date: November 18, 2021  
First Amended Complaint  
Filed on November 22, 2021

Date: November 19, 2021  
Service of Process  
Defendants Seema Moorjani and Sunil Moorjani  
Date: November 22, 2021  
Held at Post Office, At Customer Request  
Date: November 27, 2021  
Redelivery Scheduled for November 29, 2021

*a memo from the desk of*  
*Deepak Moorjani*

*Friday, November 19, 2021*

Seema Moorjani  
Sunil Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131-3762

*via certified mail*

to: Seema Moorjani  
Sunil Moorjani

subject: San Diego Superior Court Case No. 37-2021-00033119-CU-OR-CTL

Please find the verified First Amended Complaint which has been filed in San Diego Superior Court.

Thank you for your kind attention. Best wishes for the Thanksgiving holiday.

A handwritten signature in black ink, appearing to be 'DM', is written over a horizontal dotted line.



1  
2 **DEEPAK MOORJANI**

(Plaintiff In Pro Per)

3 221 E. Main Street, Suite 1000

4 San Diego, CA 92101-3005

5 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
6 **FOR THE COUNTY OF SAN DIEGO**

7 Deepak Moorjani

Plaintiff,

8 vs.

9 Seema Moorjani; Sunil Moorjani; and all  
persons known and unknown, claiming any  
10 legal or equitable right, title, estate, lien, or  
interest in the property described in the  
11 complaint adverse to plaintiff's title, or, any  
cloud upon

12 Defendants

) Case No.: 37-2021-00033119-CU-OR-CTL

) **VERIFIED FIRST AMENDED**

) **COMPLAINT FOR:**

- ) **1. Elder Abuse**  
) **2. Elder Abuse – Financial exploitation**  
) **3. Elder Abuse – Adverse Possession**  
) **4. Elder Abuse – Constructive Trust**  
) **5. Jury trial demanded**

13  
14 Plaintiff DEEPAK MOORJANI ("Plaintiff") brings this First Amended Complaint ("Complaint") against  
15 Defendants SEEMA MOORJANI and SUNIL MOORJANI ("Defendants") and alleges the following on  
16 information and belief:  
17

18  
19 **INTRODUCTION**

- 20 **1.** This verified Complaint arises from the Defendants' greed and dishonesty.  
21 **2.** Sunil Moorjani and Zubeida Moorjani (Sunil Moorjani's mother) are joint tenants in Property TWO  
22 (defined below). In order to deprive 85-year old Zubeida Moorjani of Property TWO, Sunil Moorjani  
23 has neglected, abused and defrauded Zubeida Moorjani in a pattern of behavior which includes  
24 exploiting Zubeida Moorjani's assets, fraudulently depriving her and Plaintiff of Property TWO,  
25 withholding funds to which she was lawfully entitled thereby maintaining her in a state of poverty  
26 for years, and attempting to steal her present and future livelihood. The incidents described in this  
27 Complaint are current and ongoing.  
28

- 1 3. Seema Moorjani has participated in these actions and omissions and is also legally responsible for  
2 the events and occurrences herein described.
- 3 4. Plaintiff files this lawsuit subsequent to having tried in good faith to remedy this dispute informally.  
4

5 **A. JURISDICTION AND VENUE**  
6

- 7 5. This Court has jurisdiction over the subject matter of this action pursuant to Code of Civil Procedure  
8 §410.10.
- 9 6. Venue in this Judicial District is appropriate pursuant to Code of Civil Procedure §395(a).
- 10 7. The Defendants have personal jurisdiction, since the subject matter of this lawsuit occurred in San  
11 Diego County, California, or alternatively, the Defendants have sufficient minimum contacts or reside  
12 in San Diego County, the property at issue is in this County, and a substantial portion of the events,  
13 acts, omissions and transactions complained of herein occurred in this County pursuant to Code of  
14 Civil Procedure §393(a) for the claim arising under EADACPA (defined below).  
15  
16  
17

18 **B. PARTIES**

- 19 8. Plaintiff is, and at all times relevant to the matters referenced herein was, an individual residing in  
20 Alameda County, California.
- 21 9. Plaintiff is informed, believes and therefore alleges that, at all times mentioned in this Complaint,  
22 Sunil Moorjani, an individual, is, and at all times relevant to the matters referenced herein was, an  
23 individual residing in San Diego County, California  
24
- 25 10. Plaintiff is further informed, believes and therefore alleges that Seema Moorjani, wife to Sunil, is,  
26 and at all times relevant to the matters referenced herein was, an individual residing in San Diego  
27 County, California.  
28

1 **11.** Plaintiff is informed, believes and therefore alleges that the acts or omissions contained in this  
2 complaint occurred as a result of Defendants’ activities which resulted in damaging Plaintiff. The  
3 wrongful conduct is alleged herein.

4 **12.** Plaintiff seeks a binding and conclusive judgment against all of these persons pursuant to Code of  
5 Civil Procedure §764.030.  
6

## 7 8 **SUMMARY OF FACTS**

9 **13.** Zubeida Moorjani (“Mother” or “Zubeida”) is an 85-year old vulnerable adult with dementia, a retired  
10 medical doctor who practiced for approximately 30 years and the biological mother of Plaintiff and  
11 Defendant Sunil Moorjani.  
12

13 **14.** Gulab Moorjani (“Father” or “Gulab”) is a vulnerable adult and is the biological father of Plaintiff  
14 and Defendant Sunil Moorjani.

15 **15.** Mother was partially living in Ohio, but she is unable to manage her life. She is no longer driving,  
16 and she is primarily reliant on home care workers.  
17

18 **16.** Gulab and Zubeida have always been financially illiterate.

19 **17.** Mother is financially illiterate: she has never been able to pay her bills, and she has not balanced her  
20 checkbook for the past 20 years. Also, Mother does not understand the concept of ownership.  
21

## 22 **The Moorjani Family Properties**

23 **18.** The Moorjani Family is comprised of Plaintiff, Gulab Moorjani (father) Sunil Moorjani (brother) and  
24 Zubeida Moorjani (mother).  
25

26 **19.** In 1993, Plaintiff borrowed \$270,000 from his parents (Mother and Father). In December 31, 1996,  
27 Plaintiff repaid the \$270,000 principal balance of the promissory notes to enable Mother and Father  
28 purchase their retirement home at 15618 Whitton Ave, Goodyear, AZ 85338.

- 1 **20.** On March 02, 1992, Plaintiff's parents (Mother and Father) purchased 6323 Caminito del Cervato,  
2 San Diego, CA 92111 (APN #431-732-12-10) ("Property ONE" or "Caminito"). Property ONE is  
3 Assessor's Parcel Number 431-732-12-10. The situs address of Property ONE is 6323 CAMINITO  
4 DEL CERVATO SAN DIEGO CA 92111-6854. The mailing address of Property ONE is 2937  
5 PERRY ST, SAN DIEGO, CA 92106. The legal description of Property ONE is TR 10694 LOT  
6 28\*US116PER D0C87-239984&UND INT IN. Property ONE is a residential condominium in the  
7 tax rate area 008-001.
- 8
- 9 **21.** On October 13, 1999, Sunil Moorjani became a joint tenant in Property ONE via the execution of a  
10 quitclaim deed ("Quitclaim Deed #1").
- 11 **22.** On July 30, 2008, Property ONE real estate records reflected the title owners as Gulab Moorjani  
12 (father), Sunil Moorjani (brother) and Zubeida Moorjani (mother). A copy of the real estate record is  
13 attached as "**Exhibit A**"
- 14
- 15 **23.** In the early 2000s, Mother and Father demonstrated their lack of financial competence, and they were  
16 forced to sell their real property at 500 Riverside Drive, Rossford, Ohio 43460.
- 17 **24.** During this period, Father fled to Florida, and Mother paid approximately \$200,000 to the secured  
18 lenders in order to avoid a deficiency judgment. In her negotiations with secured lenders, Mother  
19 sought to avoid selling Property ONE, since she sought to preserve housing for the Defendants.
- 20 **25.** On July 30, 2008, Sunil Moorjani unduly influenced Mother to sell Property ONE, despite the fact  
21 she had previously sought to avoid selling this property.
- 22 **26.** On September 25, 2008, Defendants used the Moorjani Family's proceeds from the sale of Property  
23 ONE in order to purchase 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762 ("Property  
24 TWO" or "Cypress") for \$764,000.
- 25 **27.** Property TWO is Assessor's Parcel Number is 319-710-25-00. The situs address of Property TWO  
26 is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. The mailing address of Property  
27  
28

TWO is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131. The legal description of Property TWO is TR 13558 LOT 56. Property TWO is a single-family residence in the tax rate area 008-012. A copy of the real estate records is attached as “**Exhibit B**”

28. Initially, Defendants purposefully omitted the names of Mother and Father from the Property TWO Grant Deed dated September 25, 2008; however, after demands, Mother and Father became joint tenants in Property TWO via the execution of a quitclaim deed on December 31, 2008 (“Quitclaim Deed #2”).

29. Sunil Moorjani (brother), Zubeida (mother), and Gulab (father) own joint tenancy in Property TWO located at 11881 Cypress Valley Drive (APN #319-710-25-00)

30. Subsequent to the purchase, Defendants were allowed to live in Property TWO, since other members of the Moorjani Family have properties in Ohio and elsewhere.

31. In 2013, Sunil Moorjani informed Plaintiff that Suoeja Kummar was actively capitalizing on Mother’s lack of competence. Suoeja Kummar is the principal of AJUS Consultants, LLC in Ohio (6029 Renaissance Place, Suite D), and she served as Mother’s tax consultant. Suoeja Kummar is also the principal of S.K. Financial, LLC in Ohio (6029 Renaissance Place, Suite D-2). As Mother’s tax consultant, Suoeja Kummar was concurrently selling annuities to Mother in order to generate more than \$10,000 in commissions. On September 03, 2010, each of AJUS Consultants, LLC and S.K. Financial, LLC were incorporated in Ohio.

### **Plaintiff’s Quiet Title to Property Two**

32. Plaintiff owns in fee that certain real property situated at 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. This real property is also known as Property TWO.

33. Plaintiff and Sunil Moorjani are the sole legal heirs to Mother and Father.

1 **34.** Plaintiff is a creditor to Mother and Father's estates in addition to being legal heir to Property TWO.

2 On December 07, 2006, Plaintiff paid the real estate mortgage balance of \$127,442.01 (hereinafter  
3 "The 2006 Loan") relating to Mother's property at 6036 Quarrys Edge Lane, Sylvania, OH 43560.  
4 Neither Mother nor Father has repaid The 2006 Loan, and Plaintiff remains a creditor to Mother and  
5 Father's estates, including Property TWO.  
6

7  
8 **Defendants' Financial Exploitation: Elder Abuse**

9 **35.** In 1992, Sunil Moorjani borrowed \$230,000 (hereinafter "The 1992 Loan") from Mother and Father  
10 in conjunction with their March 02, 1992 purchase of 6323 Caminito del Cervato, San Diego, CA  
11 92111 (APN #431-732-12-10).  
12

13 **36.** That on or before December 31, 2021, repayment of The 1992 Loan is approximately \$1,021,900  
14 with interest compounded monthly at an annual interest rate of 5% (~358 months).  
15

16 **37.** Defendants appropriate, obtain, or retain The 1992 Loan plus accrued interest for a wrongful use or  
17 with intent to defraud Sunil Moorjani's elder parents. Defendants knew that Mother has dementia and  
18 have consistently refused to repay the 1992 Loan. Mother has difficulty with short-term memory,  
19 forgetfulness or memory impairment, loss of sense of direction, confusion, and difficulty with  
20 personal care. Further, Mother has never been able to balance her checkbook.  
21

22 **38.** Sunil Moorjani married Seema Moorjani (a.k.a. Seema Kulkarni) on September 01, 2001, and Seema  
23 Moorjani's claim to the Moorjani Family's real property is limited to her share of Sunil Moorjani's  
24 title and interest.  
25

26 **Defendants' Exploitation of Zubeida by Adversely Claiming Property TWO: Elder Abuse**

27 **39.** On November 12, 2018, Frank Jacobs of Eastman & Smith wrote to Plaintiff: "*I am your mother's*  
28 *attorney. Zubie has recently signed updated core estate planning documents including a last will and*  
29

1 *testament and a self-trusted revocable trust. Basically, you are a substantially equal beneficiary*  
2 *with your brother, Sunil”. A copy of the email is attached as “Exhibit C”*

3 **40.** While Mother and Sunil Moorjani are joint tenants, Defendants have crystallized the issue of adverse  
4 possession by claiming sole ownership of Property TWO; Defendants claim that they hold sole title  
5 and sole interest in Property TWO.

6 **41.** In the winter of 2018, Mother was vacationing in San Diego; however, Defendants previously made  
7 Mother increasingly uncomfortable in her visits to Property TWO.

8 **42.** Consequently, Mother was not staying at Property TWO, but Mother was forced to stay in a rented  
9 apartment in an adult-living community.

10 **43.** Previously, Sunil explained his rationale for adverse possession by stating, *“I don't want to set a*  
11 *precedent”*. Sunil explained that he did not want to set a precedent which would enable Seema  
12 Moorjani's parents to live at Property TWO.

13 **44.** In late December 2018, Mother aborted her stay in San Diego in a moment of anxiety, and Mother  
14 wanted to return to Ohio to see her physician. Due to Defendants' neglect, Mother prematurely  
15 cancelled the remainder of her San Diego vacation.

16 **45.** Plaintiff avers that on January 08, 2019, Jennifer Compton (Director of Business Development at Sun  
17 Federal and a close friend to Mother for 20+ years) informed Plaintiff of Mother's dementia effects.  
18 She wrote, *“Hi Deepak I'm here with your mom and I'm really worried about her. she is walking in*  
19 *circles and shaking and talking about things I can't understand .. I'm asking you should I contact*  
20 *someone to come out and check her she is not doing good ... I dont [sic] know how to help her*  
21 *medically.”* A true copy of the SMS text correspondence is attached as **“Exhibit D”**.

22 **46.** On January 08, 2019, Plaintiff subsequently spoke with Jennifer Compton by phone, and Jennifer  
23 Compton further informed Plaintiff that Zubeida stated, *“I should just commit suicide.”* (hereinafter,  
24 "The January 08, 2019 Suicide Red Flag").  
25  
26  
27  
28

1 **47.** Plaintiff avers that he immediately informed Sunil Moorjani on January 09, 2019 about the Suicide  
2 Red Flag and the acute dementia effects of Mother. Further, Plaintiff sought to move Mother to  
3 Property TWO. (The relocation plan is hereinafter referred to as “The January 09, 2019 Plan A”).  
4 Plaintiff wrote, *“The possibility of suicide should never be underestimated, and this is a direct cry*  
5 *for help. In Jennifer Compton's opinion, “She cannot stay in Toledo” . . . Effective immediately, we*  
6 *are implementing Plan A: starting on February 1, 2019, Mom will stay in San Diego for 8 weeks; for*  
7 *this visit, Mom will stay exclusively at 11881 Cypress Valley Drive, San Diego, CA 92131 (“House*  
8 *B”) . . . Your decision to omit Mom’s name from the title at House B is either (i) negligence or (ii)*  
9 *willful misconduct; your decision might also be considered elder abuse . . . There is a natural conflict*  
10 *between a wife and a mother, and I believe that most of your actions are designed to avoid conflict*  
11 *with your wife, at the expense of your mom.”* Plaintiff shall rely on a copy of the correspondence at  
12 the hearing of this suit, and a copy is attached as **“Exhibit E”**.  
13  
14

15 **48.** Defendants refused possession of Property TWO in response to The January 09, 2019 Plan A.  
16

17 **49.** On December 30, 2019, Plaintiff notified Defendants of The 10-Day Plan (hereinafter, “The  
18 December 30, 2019 10-Day Plan”) to relocate Mother to Property TWO, and Defendants failed to  
19 implement The December 30, 2019 10-Day Plan. A copy is attached as **“Exhibit F”**.  
20

21 **50.** Defendants have adversely claimed possession and have refused Mother entry into Property TWO;  
22 Defendants have thereby inflicted fear and confusion on Sunil Moorjani’s elder Mother. Defendants’  
23 failure to assist Mothers’s personal hygiene, failure to provide shelter, or protect Mother from health  
24 and safety hazards constitutes neglect and mental abuse.  
25

26 **Defendants’ Ongoing Acts of Negligence, Isolation, and Mental Abuse of Mother**

27 **51.** Defendants have adversely claimed possession and have refused Mother entry into Property TWO;  
28 consequently, Defendants have inflicted fear and confusion on Sunil Moorjani’s elder Mother.



Defendants' failure to assist Mother's personal hygiene, failure to provide shelter, or protect Mother from health and safety hazards constitutes neglect and mental abuse.

52. In January 2019, Plaintiff asked Jennifer Compton and Sue Stolar to contact Sunil Moorjani; each party contacted Sunil Moorjani, but Sunil Moorjani remained adamant in his refusal to provide Mother with access to her own property. On February 01, 2019, Jennifer Compton informed Sunil Moorjani as follows: *"Hi Sunil, I just wanted to give you a little bit of information regarding your mom. I visited her a few weeks ago to help with her bills and checking account. She was not doing good that day. She was very upset and extremely anxious. She couldn't remember if she had taken her medicine. She was very shaky. She was really mad at herself that she left California and thought it was a big mistake. She stated that she is not doing good and thought she should "just commit suicide". I told her that I was extremely worried about her and that I was going to call 911. She really got upset and made me promise that I wouldn't call 911. When I got back to the office, I contacted Deepak because I didn't know who else to contact and I would never forgive myself if something happened to her. She really shouldn't be driving and being by herself seems very hard for her. If you would like to talk please feel free to contact me. Thanks, and have a good weekend."* A copy of correspondence between Plaintiff, Jennifer Compton, and Sunil Moorjani is attached as **"Exhibit G"**.

53. On December 30, 2019, Plaintiff notified Defendants of The December 30, 2019 10-Day Plan to relocate Mother to Property TWO, and Defendants failed to implement The December 30, 2019 10-Day Plan.

54. In the 2019-2020 period, Sue Stolar (childhood babysitter) stated, *"Sunil divorced his parents."*

55. In the 2019-2021 period, Plaintiff sent a series of letters to Defendants and Mother to resolve this issue; however, Plaintiff's efforts were abortive.

56. In April 2021, Zubeida lost her balance and fell to the floor as a result of Defendants' neglect, exploitation and mental abuse.

1 57. Consequently, Zubeida fractured her pelvis, and she spent five (5) days in the hospital.

2 58. On May 11, 2021, Jennifer Compton of Sun Federal Credit Union provided Plaintiff with her  
3 appraisal of Zubeida: (i) she is lonely, (ii) she is controlling, and (iii) she cannot manage her life. In  
4 addition to the issue of self-harm, Jennifer Compton also relayed her belief that Zubeida may be  
5 unable to call for help when she falls again. In this event, Jennifer Compton believes that there is the  
6 possibility that Zubeida may die due to her inability to call for help.  
7

8 59. Plaintiff avers that he recorded Mother on May 18, 2021 to demonstrate her lack of competence.  
9 Plaintiff sent the two audio recordings to Defendants on May 22, 2021. A copy of said recordings  
10 shall be found at the hearing of this suit, and a copy of the email is attached as “**Exhibit H**”.

11 60. On May 20, 2021, Plaintiff sent a “Notice of Elder Abuse” to Seema Moorjani. A copy is attached as  
12 “**Exhibit I**”.

13 61. Until May 22, 2021, Mother’s cellphone number was 858.226.6\*\*\* (*redacted*).  
14

15 62. On May 24, 2021 Defendants isolated Mother from other members of the Moorjani Family;  
16 Defendants changed Mother’s cellphone number in order to isolate Mother for further exploitation.  
17

18 63. Defendants are actively seeking to exploit Mother’s lack of competence. Mother does not have the  
19 ability to change her cellphone number, since Mother’s cellphone service is controlled by Defendants.

20 64. On May 25, 2021, Plaintiff called Adult Protective Services (APS) in Lucas County, Ohio to open a  
21 case for Zubeida. APS opened a case in Lucas County, Ohio on May 27, 2021.  
22

23 65. On June 06, 2021, Plaintiff emailed Defendants to document the fact that the May 24, 2021 phone  
24 number change was not a one-time event but demonstrates a pattern of elder abuse. A copy of the  
25 email is attached as “**Exhibit J**”.

26 66. In 2019, Defendants previously changed Mother’s cellphone number. Subsequent to Jennifer  
27 Compton's 2019 suicide red flag, Defendants changed Mother’s cell phone number from  
28 858.353.67\*\* to 858.226.60\*\* (*redacted*) in order to isolate Mother for further exploitation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FIRST CAUSE OF ACTION**

**ELDER ABUSE against Seema Moorjani and Sunil Moorjani**

67. Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as though set forth in full herein, and incorporates them into this cause of action by reference.
68. Plaintiff brings this cause of action pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (“EADACPA”), Welfare & Institutions Code §15600 et. seq.
69. Mother was an elder adult with dementia when Defendants forced Mother from her home of more than 10 years. She was an “elder” as defined by Welfare & Institutions Code §15610.27 and is therefore entitled to the statutory protections from abuse provided by Welfare & Institutions Code §15610.07. Defendants knew Mother was an elder.
70. While Mother and Sunil Moorjani are joint tenants, Defendants adversely claimed possession by refusing Mother entry into Property TWO, and Defendants inflicted fear and confusion on his elder Mother. Defendants’ failure to assist Mother’s personal hygiene, failure to provide shelter, or failure to protect Mother from health and safety hazards constitute neglect and mental abuse.
71. On January 09, 2019, Plaintiff notified Defendants of The January 09, 2019 Plan A to move Mother to Property TWO, but Defendants failed to implement this plan.
72. In January 2019, Plaintiff asked Jennifer Compton and Sue Stolar to contact Sunil Moorjani. Each party contacted Sunil Moorjani; however, he adamantly refused let Mother in to her own property.
73. On December 30, 2019, Plaintiff notified Defendants of The December 30, 2019 10-Day Plan to move Mother to Property TWO, but Defendants failed to implement this plan.
74. In the 2019-2021 period, Plaintiff sent a series of letters to Defendants and Mother to resolve this issue; however, Plaintiff’s efforts were abortive.

1 **75.** In April 2021, Mother lost her balance and fell to the floor as a result of Defendants' neglect,  
2 exploitation and mental abuse.

3 **76.** Consequently, Mother fractured her pelvis, and she spent five (5) days in the hospital.

4 **77.** On May 11, 2021, Jennifer Compton of Sun Federal Credit Union provided Plaintiff with her  
5 appraisal of Zubeida: (i) she is lonely, (ii) she is controlling, and (iii) she cannot manage her life. In  
6 addition to the issue of self-harm, Jennifer Compton also relayed her belief that Zubeida may be  
7 unable to call for help when she falls again. In this event, Jennifer Compton believes that there is the  
8 possibility that Zubeida may die due to her inability to call for help.

9  
10 **78.** On May 22, 2021, Plaintiff emailed Defendants two audio recordings which demonstrate Mother's  
11 lack of competence. Until May 22, 2021, Mother's cellphone number was 858.226.6\*\*\* (*redacted*).

12  
13 **79.** On May 24, 2021 Defendants isolated Mother from other members of the Moorjani Family;  
14 Defendants changed Mother's cellphone number in order to isolate Mother for further exploitation.

15 **80.** Defendants are actively seeking to exploit Mother's lack of competence. Mother does not have the  
16 ability to change her cellphone number, since Mother's cellphone service is controlled by Defendants

17  
18 **81.** By their actions, Defendants are responsible for elder abuse, because their treatment of Mother  
19 resulted in physical harm, or pain or mental suffering in violation of Welfare & Institutions Code  
20 §15610.07(a). Plaintiff is entitled to the remedies provided by EADACPA.

21  
22 **82.** As a legal result of Defendants' conduct, Mother has suffered damages, including general and  
23 economic damages, and including mental distress, in an amount to be proven at trial.

24 **83.** Plaintiff has incurred, and will continue to incur, attorney fees and costs in this litigation. If successful  
25 in this action, Plaintiff is entitled to recover such fees and costs from Defendants, under the provisions  
26 of Welfare and Institutions Code §15657.5(a).

27  
28 **84.** In committing the actions and conduct described above, each of Seema Moorjani and Sunil Moorjani  
acted with recklessness, oppression, fraud, and malice. Plaintiff is therefore entitled to attorney fees

and costs pursuant to Welfare and Institutions Code §15657.5, punitive damages pursuant to Civil Code §3294 and treble damages pursuant to Civil Code §3345.

## **SECOND CAUSE OF ACTION**

### **Elder Abuse - Financial against Seema Moorjani and Sunil Moorjani**

**85.** Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as though set forth in full herein, and incorporates them into this cause of action by reference.

**86.** Plaintiff brings this cause of action pursuant to the EADACPA, specifically Welfare & Institutions Code §15610.30. During all times of the wrongful acts alleged herein, Mother and Father have been over 65 years old. They are, and at all times have been, elders as defined by the Welfare and Institutions Code §15610.27.

**87.** Financial abuse of an elder occurs when any person or entity “takes, secretes, appropriates, obtains or retains . . . property of an elder ... for a wrongful use or with intent to defraud, or both” or assists in doing so. (Welfare and Institutions Code §15610.30). A “wrongful use” is found when the person or entity “knew or should have known that this conduct is likely to be harmful to the elder”, and this can be accomplished by many means, including an agreement.

**88.** In 1992, Sunil Moorjani borrowed \$230,000 (hereinafter "The 1992 Loan") from Mother and Father in conjunction with their March 02, 1992 purchase of 6323 Caminito del Cervato, San Diego, CA 92111 (APN #431-732-12-10).

**89.** Defendants appropriate, obtain, or retain the \$230,000 principal balance for a wrongful use or with intent to defraud Sunil Moorjani’s elder parents.

**90.** Defendants knew that Mother has dementia, and Defendants have consistently refused to repay The 1992 Loan. Mother has difficulty with short-term memory, forgetfulness or memory impairment, loss

of sense of direction, confusion, and difficulty with personal care. Further, Mother has never been able to balance her checkbook.

**91.** Initially, Defendants purposefully omitted the names of Mother and Father from the Property TWO Grant Deed dated September 25, 2008; however, after demands, Mother and Father became joint tenants in Property TWO via the execution of Quitclaim Deed #2.

**92.** Sunil Moorjani (brother), Zubeida (mother), and Gulab (father) own joint tenancy in Property TWO located at 11881 Cypress Valley Drive (APN #319-710-25-00).

**93.** In the early 2000s, Gulab and Zubeida's lack of competence was crystallized by the forced sale of their real property at 500 Riverside Drive, Rossford, OH 43460.

**94.** During this period, Father fled to Florida, and Mother paid approximately \$200,000 to the secured lenders in order to avoid a deficiency judgment. In her negotiations with secured lenders, Mother sought to avoid selling Property ONE, since she sought to preserve housing for the Defendants.

**95.** Seema Moorjani and Sunil Moorjani now lay adverse possession to Property TWO to Mother's detriment; Defendants certainly knew or should have known that this was harmful for Mother.

**96.** As Mothers's property sale manager and agent, Sunil Moorjani was involved in the sale of Property ONE; therefore, Sunil Moorjani owed Mother and Father a fiduciary duty.

**97.** Defendants breached their fiduciary duty, as well as the provisions of Welfare and Institutions Code §15610.30, by:

- a. Using Mother's property for personal benefit to the detriment of Mother and Father (elder parents);
- b. Failing to repay The 1992 Loan plus accrued interest to Mother and Father which Mother and Father earned through business activities;
- c. Failing to perform their duty of loyalty by repeatedly prioritizing their own interests above Mother's interests.

### THIRD CAUSE OF ACTION

#### **Elder Abuse – Adverse Possession against Seema Moorjani and Sunil Moorjani**

**98.** Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as though set forth in full herein, and incorporates them into this cause of action by reference.

**99.** Defendants have appropriated and retained the real property of Plaintiff and his elder parents to a wrongful use within the meaning of Welfare and Institutions Code §15610.30. In engaging in such conduct, Defendants have intended to defraud Plaintiff of title.

**100.** Defendants have laid sole ownership to Property TWO, even though Defendants are aware that they are joint tenants with Mother. Defendants continue to fail and refuse possession.

**101.** Defendants and Zubeida are joint tenants in Property TWO; however, Zubeida's financial illiteracy and dementia effects have led her to misunderstand the concept of joint tenancy. In 2020, Mother explained her rationale for executing Quitclaim Deed #1 in Sunil Moorjani's favor, and she stated, "He [Sunil Moorjani] was paying rent, so he owns the house." In 2020, Zubeida also stated, "Sunil [Moorjani] has done more for me than anyone."

**102.** In addition, Zubeida requires access to Property TWO, since she lacks the competence to manage her life and increasingly poses a risk to herself.

**103.** After her marital separation, Zubeida began to rely on the team at Sun Federal Credit Union to balance her checkbook and pay her bills. Zubeida has maintained this reliance for more than 20 years.

**104.** Sunil Moorjani gained Mother's confidence and trust by paying rent and property taxes in Property ONE for several years. Since at least 1999, Sunil Moorjani has been in a position to exert undue influence, and Defendants have continued to exert undue influence through the present.

**105.** Plaintiff therefore seeks rescission of any and all contracts entered as a result of the wrongful conduct described above, as well as restitution for any losses suffered thereby, in an amount to be ascertained at trial.

1 **106.** As a direct and proximate cause of Defendants' wrongful conduct, Plaintiff and his elder parents  
2 have been deprived of their real property and have sustained related damages of loss of income on  
3 their interest in Property TWO. Further, Plaintiff has incurred attorney fees and costs, and Plaintiff  
4 will incur additional expenses connected with this litigation.

5 **107.** In addition to all other remedies provided by law, Plaintiff is entitled to recover reasonable  
6 attorney fees and costs for financial abuse pursuant to Welfare and Institutions Code §15657.5.

7 **108.** In addition, Defendants have acted with malice and fraudulent intent. Plaintiff seeks punitive  
8 damages in an amount to be ascertained at trial.  
9

#### 10 **FOURTH CAUSE OF ACTION**

##### 11 **Elder Abuse - Constructive Trust against Defendants**

12 **109.** Plaintiff realleges the allegations contained in paragraphs 1 through 66 inclusive, hereinabove, as  
13 though set forth in full herein, and incorporates them into this cause of action by reference.

14 **110.** Plaintiff establishes title against adverse claims to real property pursuant to California Code of  
15 Civil Procedure §760.020.

16 **111.** This action to quiet title involves Assessor's Parcel Number 319-710-25-00. The situs address of  
17 this property is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. The mailing address  
18 of this property is 11881 CYPRESS VALLEY DR SAN DIEGO CA 92131-3762. The legal  
19 description of this property is TR 13558 LOT 56. This real property is a single family residence in  
20 the tax rate area 008-012.  
21

22 **112.** Plaintiff and Sunil Moorjani are the sole legal heirs to Mother and Father.

23 **113.** Plaintiff owns in fee that certain real property situated at 11881 CYPRESS VALLEY DR SAN  
24 DIEGO CA 92131-3762.  
25  
26  
27  
28



- 1 **114.** On March 02, 1992, the Property ONE Grant Deed reflected the title owners as Gulab Moorjani  
2 (father) and Zubeida Moorjani (mother).
- 3 **115.** On September 25, 2008, the Moorjani Family used the proceeds of Property ONE to purchase  
4 Property TWO for \$764,000.
- 5 **116.** Plaintiff is informed and believes and therefore alleges that Defendants possess monies and assets  
6 which were fraudulently obtained or were converted as described below from Sunil Moorjani's elder  
7 parents who suffer from dementia.
- 8 **117.** As a proximate result of the fraudulent misrepresentations and otherwise wrongful conduct of  
9 Defendants as alleged herein, Plaintiff and his elder parents have been deprived of their real property,  
10 namely deprived of title to and possession of their real property at 11881 Cypress Valley Drive, San  
11 Diego, CA 92131, and Plaintiff and his elder parents have sustained related damages of loss of income  
12 on their interest in Property TWO. Further, Plaintiff has incurred attorney fees and costs, and Plaintiff  
13 will incur additional expenses connected with this litigation.
- 14 **118.** Plaintiff is a creditor to Mother and Father's estates in addition to being legal heir to Property  
15 TWO. On December 07, 2006, Plaintiff paid the real estate mortgage balance of \$127,442.01 (The  
16 2006 Loan) relating to Zubeida's property at 6036 Quarrys Edge Lane, Sylvania, OH 43560. Neither  
17 Mother nor Father has repaid The 2006 Loan, and Plaintiff remains a creditor to Mother and Father's  
18 estates, including Property TWO.
- 19 **119.** By reason of the fraudulent and otherwise wrongful manner in which Defendants obtained their  
20 alleged right, claim or interest in and to Property TWO, Defendants and each of them, have no legal  
21 or equitable right, claim or interest therein to the subject property, but instead Defendants and each  
22 of them are involuntary trustees holding their interest in the subject property and any profits thereto  
23 in constructive trust for Plaintiff and his elder parents with the duty to convey the same to Plaintiff  
24 and his elder parents forthwith.
- 25  
26  
27  
28

1 **120.** A constructive trust should be imposed on Property TWO which is owned or in the possession of  
2 Defendants, or held in community property with Sunil's wife, to prevent any transfers of any such  
3 property.

4 **121.** All such property should be held in constructive trust to satisfy Plaintiff's claims for funds stolen,  
5 converted, or fraudulently obtained by Defendants.  
6

7  
8 **REQUEST FOR RELIEF**

9 **WHEREFORE**, Plaintiff requests for relief as follows:  
10

11 I. An Order of this Court directing Seema Moorjani and Sunil Moorjani to pay \$1,021,900 to Gulab  
12 Moorjani and Zubeida Moorjani. This is repayment of The 1992 Loan with interest compounded  
13 monthly at an annual interest rate of 5% for ~358 months.  
14

15 II. An Order of this Court imposing a Constructive Trust on Property TWO at 11881 Cypress Valley  
16 Drive, San Diego, CA 92131 which is owned or in the possession of Defendants, or held in  
17 community property with Sunil's wife, to prevent any transfers of any such property.  
18

19 III. For a preliminary and permanent injunction that enjoins Seema Moorjani and Sunil Moorjani, their  
20 officers, agents, servants, employees, attorneys, and those persons and entities in active concert of  
21 participation with them from proceeding with or otherwise interfering or claiming sole ownership to  
22 Property TWO;  
23

24 IV. An Order of this Court granting possession of Property TWO to Plaintiff; that all Defendants and  
25 each of them be enjoined from making any further claim to or interest in Property TWO adverse to  
26 Plaintiff, by legal action or otherwise, on the basis of any fact or facts which were proved, or which  
27 might have been proved, in this action; and for an order preliminarily enjoining defendants and their  
28 agents, servants, and employees and all persons acting under or in concert with or for them, from

causing any injury to Property TWO and to Plaintiffs beneficial interest therein that would substantially depreciate its market value;

V. An Order of this Court appointing Deepak Moorjani and Sunil Moorjani as the personal representatives to the estates of Gulab Moorjani and Zubeida Moorjani.

VI. An Order of this Court for restitution or restitutionary disgorgement of profits wrongfully obtained by the Defendants;

VII. An Order of this Court for compensatory damages pursuant to Welfare and Institutions Code §15657.5(a), awarded based on Plaintiff's elder financial abuse claim as defined by Welfare and Institutions Code §15610.30, in an amount to be determined by the Court;

VIII. For such other, further and different relief as may be just and proper.

**JURY TRIAL DEMANDED**

Jury trial is demanded for all triable issues

Respectively submitted this 16th day of November 2021.



**DEEPAK MOORJANI**

(Plaintiff In Pro Per)

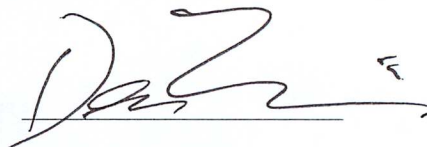
331 Dasher Way, Box #10000

Full Hill, CA 94503-0000

CERTIFICATE OF SERVICE

I, **DEEPAK MOORJANI**, the undersigned hereby certify that a copy of the foregoing **First Amended Complaint** in the above-captioned proceeding was delivered to the clerk of this court and has been served this day by certified U.S. mail upon the Defendants and/or Attorneys on record.

Executed on November 16, 2021 in Alameda County, California.



**DEEPAK MOORJANI**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

I am the Plaintiff to this action. The matters stated in the First Amended Complaint are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 16, 2021 in Alameda County, California.



**DEEPAK MOORJANI**

Exhibit A

Property ONE (“Caminto”)

Date: June 30, 2008



RECORDING REQUESTED BY:  
Stewart Title of California.  
WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO:  
Elizabeth Simonsen  
6823 Caminito Del Cervato  
San Diego, CA 92111

DOC # 2008-0408037



JUL 30, 2008 3:48 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 582.00  
DC: DC

PAGES: 5

ORDER NO. 2261-117347  
ESCROW NO. 2265-117347  
APN. 431-732-12-10



## GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX is: \$561.00

CITY TAX

- ☐ Monument Preservation Fee is:  
☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ Unincorporated area: ☒ City of San Diego, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Gulab I. Moorjani an unmarried man and Zubeida G. Moorjani, an unmarried woman, who acquired title as husband  
and wife and Sunil G. Moorjani, a single man, all as joint tenants.

hereby GRANT(S) to

Elizabeth Simonsen, a married woman as her sole and separate property

This document is being executed in counterpart

the following described real property in the, County of San Diego, State of California:  
See "Exhibit A" attached hereto

DATE: July 7, 2008

STATE OF CALIFORNIA

COUNTY OF Miami Dade

On 7/14/08 before me, Pamela Milton,  
Gulab I. Moorjani (here, insert name and title of the officer),  
Notary Public, personally appeared Gulab I. Moorjani

Gulab I. Moorjani

Zubeida G. Moorjani

Sunil G. Moorjani

who proved to me on the basis of satisfactory evidence to be the person(s),  
whose name(s) is/are subscribed to the within instrument and acknowledged to  
me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s) or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Pamela Milton



(Seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

RECORDING REQUESTED BY:  
Stewart Title of California.  
WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO:  
Elizabeth Simonsen  
6323 Caminito Del Cervato  
San Diego, CA. 92111

7407

ORDER NO. 2261-117347  
ESCROW NO. 2265-117347  
APN.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s):

DOCUMENTARY TRANSFER TAX is: \$561.00

CITY TAX

- ☐ Monument Preservation Fee is:  
☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ Unincorporated area: ☒ City of San Diego, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Gulab I. Moorjani an unmarried man and Zubeida G. Moorjani, an unmarried woman, who acquired title as husband  
and wife and Sunil G. Moorjani, a single man, all as joint tenants

hereby GRANT(S) to  
Elizabeth Simonsen, a married woman as her sole and separate property

This document is being executed in counterpart

the following described real property in the, County of San Diego, State of California:  
See "Exhibit A" attached hereto

DATE: July 7, 2008

STATE OF ~~CALIFORNIA~~ <sup>Ohio</sup>

COUNTY OF Lucas

On 7/14/08 before me, Zubeida G. Moorjani  
Notary Public (here insert name and title of the officer),  
personally appeared Zubeida G. Moorjani

Gulab I. Moorjani

Zubeida G. Moorjani

Sunil G. Moorjani

, who proved to me on the basis of satisfactory evidence to be the person(s),  
whose name(s) is/are subscribed to the within instrument and acknowledged to  
me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s) or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer L. Compton

MAIL TAX STATEMENTS AS DIRECTED ABOVE



JENNIFER L. COMPTON  
Notary Public  
State of Ohio  
My Commission Expires 06-07-2012



RECORDING REQUESTED BY:  
Stewart Title of California.  
WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO:  
Elizabeth Simonsen  
6323 Caminito Del Cervato  
San Diego, CA. 92111.

7408

ORDER NO. 2261-117347  
ESCROW NO. 2265-117347  
APN.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s):

DOCUMENTARY TRANSFER TAX is: \$561.00

CITY TAX

- ☐ Monument Preservation Fee is:  
☒ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale.  
☐ Unincorporated area: ☒ City of San Diego, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Gulab I. Moorjani an unmarried man and Zubeida G. Moorjani, an unmarried woman, who acquired title as husband and wife and Sunil G. Moorjani, a single man, all as joint tenants

hereby GRANT(S) to

Elizabeth Simonsen, a married woman as her sole and separate property

This document is being executed in counterpart

the following described real property in the, County of San Diego, State of California:  
See "Exhibit A" attached hereto

DATE: July 7, 2008

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On July 14, 2008 before me, ARLENE LOPEZ,  
Notary Public (here insert name and title of the officer),  
personally appeared SUNIL MOORJANI

, who proved to me on the basis of satisfactory evidence to be the person(s),  
whose name(s) is/are subscribed to the within instrument and acknowledged to  
me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s) or the entity  
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Gulab I. Moorjani

Zubeida G. Moorjani

Sunil G. Moorjani



(Seal)

# EXHIBIT A

## LEGAL DESCRIPTION 7409

The land referred to herein is situated in the State of California, County of San Diego, City of San Diego, and described as follows:

A condominium composed of:

**Parcel 1:**

An undivided 1/6th fractional interest in and to Lot 28 of University Canyon, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 10694, filed in the office of the county recorder of San Diego County, California, on August 9, 1983.

Excepting therefrom the following:

All living units as shown upon the first superseding University Canyon East Phase 5 Condominium Plan recorded in the office of the county recorder of San Diego County, California on May 1, 1987, as document no. 87-239984 of Official Records.

And reserving therefrom:

The right to possession of all those areas designated as yard exclusive use area as shown upon the condominium plan referred to above.

**Parcel 2:**

Living Unit No. 116 shown upon the condominium plan referred to above.

**Parcel 3:**

Tile exclusive right to use, possession and occupancy of those portions of Parcel 1 described above, shown as yard exclusive use areas which bear the same number as the living unit described in Parcel 2 above as shown on the condominium plan referred to above, which right is appurtenant to Parcels 1 and 2 above described.

**Parcel 4:**

A nonexclusive easement for ingress and egress over the common area of phases 1 through 4 described in the declaration of restrictions, which easement is appurtenant to Parcels 1, 2 and 3 described above. This easement shall become effective as to the other phases, respectively, upon recordation of a declaration of annexation declaring such other phases, respectively, to be subject to the declaration of restrictions which requires the owners of said phases, respectively, to be members of the university canyon east homeowners association and conveyance of the first condominium in each respective phase, all as more fully set forth in the declaration of restrictions. The common area referred to herein as to such phase shall be as shown and described on the condominium plan covering each such phase recorded in the office of the county recorder of San Diego County, California, excepting therefrom any residential buildings thereon and any portion thereof which may be designated as yard exclusive use area.

**Parcel 5:**

A non-exclusive easement on and over Lots 27 and 22 of University Canyon according to map thereof no. 10694 filed in the office of the county recorder of San Diego County, California on August 9, 1983 and defined as association property in Recital F of the declaration of restrictions, for access, use, enjoyment, ingress and egress of the amenities located thereon subject to the terms and provisions of the declaration of restrictions. This easement is appurtenant to all Parcels described herein. The association property is for the use of owners of condominiums which are subject to the declaration of restrictions and is not for the use of the general public, this easement shall become effective upon the conveyance of Lots 27 and 22, respectively, to the University Canyon East Homeowners Association.

(End of Legal Description)

**Exhibit B**

**Property TWO (“Cypress”)**

**Date: September 25, 2008**





SEP 25, 2008 4:57 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 852.40  
OC: OC

PAGES: 2



8895

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE  
GRANT DEEDRECORDING REQUESTED BY:  
FIDELITY NATIONAL TITLEAND WHEN RECORDED MAIL TO:  
Seema & Sunil Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131Order No.: 406040-6  
Escrow No.: SP-01538-AH  
A.P.N.: 319-710-25-00THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
DOCUMENTARY TRANSFER TAX IS \$840.40 CITY TRANSFER TAX IS \$.00

- [ x ] computed on full value of property conveyed, or  
 [ ] computed on full value less value of liens or encumbrances remaining at time of sale.  
 [ ] unincorporated area [ x ] City of San Diego AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Nyle S. Marmion, Trustee and Debra M. Marmion, Trustee of The Marmion Trust dated July 10, 2003  
hereby GRANT(S) toSeema Moorjani and Sunil Moorjani, wife and husband as community property with right of  
survivorship

the following described real property in the County of San Diego, State of California:

See Exhibit "A" attached hereto and made a part hereof for complete legal description.

Dated: September 15, 2008

STATE OF CALIFORNIA  
COUNTY OF San Diego } ss.On 24 Sept 2008 before meL. Kerby  
Notary Public, personally appeared  
Nyle S. Marmion and  
Debra M. Marmionwho proved to me on the basis of satisfactory evidence  
to be the person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their  
authorized capacity(ies) and that by his/her/their  
signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s), acted,  
executed the instrument.I certify under PENALTY OF PERJURY under the laws  
of the State of California that the foregoing paragraph is  
true and correct.

WITNESS my hand and official seal.

Signature [Signature]  
Signature of NotaryCommission Expiration Date: Aug 12-2011

The Marmion Trust dated July 10, 2003

By: Nyle S. Marmion, TrusteeBy: Debra M. Marmion, Trustee

(This area for official notarial seal)

MAIL TAX STATEMENTS TO: SAME AS ABOVE

8896

Order No. 08-4060406

**LEGAL DESCRIPTION****EXHIBIT "ONE"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 56 of Cypress Valley Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 13558, filed in the Office of the County Recorder of San Diego County, April 8, 1998.

Assessor's Parcel No: 319-710-25

Exhibit C

Sender: Frank Jacobs, Eastman & Smith

Date: November 12, 2018

RE: [REDACTED]  
[REDACTED]  
Zubieda G. Moorjani

---

Deepak: We have communicated before. I am your mother's attorney. Zubie recently signed updated core estate planning documents including a last will and testament and a self-trusteed revocable trust. Basically, you are a substantially equal beneficiary with your brother, Sunil. However, your mother does not have a location or any other contact information for you, including a phone number.

I am asking you to provide me with a physical address for you (and a phone number, if you are willing to do so) so that I can contact you as needed. If something happens to your mother (and may that be many years from now), I will need to communicate with you in order that you will be a meaningful beneficiary and so that the trust can make the appropriate distributions to you.

I am asking for your cooperation and I hope you will do so.

---

**EASTMAN & SMITH LTD.**  
ATTORNEYS AT LAW

---

*Established 1844 - Innovating Daily*  
Columbus - Detroit - Findlay - Toledo

Cindy D. Briggs  
*Legal Secretary*  
One Seagate 24th Floor  
P.O. Box 10032  
Toledo, Ohio 43699-0032  
419.247.1719 / Fax 419.247.1777  
[cdbriggs@eastmansmith.com](mailto:cdbriggs@eastmansmith.com)  
[www.eastmansmith.com](http://www.eastmansmith.com)

CONFIDENTIALITY NOTICE: This transmission is intended only for the addressee shown above. It may contain information that is privileged, confidential, or otherwise protected from disclosure. If you are not the intended recipient, please do not read, copy, or use it, and do not disclose it to others. Please notify the sender of the delivery error by replying to this message and then delete it from your system. Thank you.

If you send e-mail to Eastman & Smith, LTD in connection with a matter for which we do not already represent you, your communication may not be treated as privileged, confidential or otherwise protected because you are not a client. If you communicate with us by e-mail in connection with a matter for which we already represent you, please remember that Internet e-mail may not be secure.



Exhibit D

Sender: Jennifer Compton, Sun Federal Credit Union

Date: January 08, 2019



(419) 320-7036 • Jan 8, 2019



Exhibit E

Sender: Deepak Moorjani

Date: January 09, 2019

## ***Mom, Plan A***

Sunil Moorjani  
11881 Cypress Valley Drive  
San Diego, CA 92131

Dear Sunil,

On January 08, 2019, Jennifer Compton of Sun Federal visited Mom, and Mom stated, "*I should just commit suicide.*"

The possibility of suicide should never be underestimated, and this is a direct cry for help. In Jennifer Compton's opinion, "She cannot stay in Toledo."

As Mom's primary physician, Dr. Rosemarie Osowik has been cc'd to this letter for notification purposes.

### **Plan A**

Effective immediately, we are implementing Plan A: starting on February 1, 2019, Mom will stay in San Diego for 8 weeks; for this visit, Mom will stay exclusively at 11881 Cypress Valley Drive, San Diego, CA 92131 ("House B").

Unfortunately, this is not your decision; Mom is the owner of the real estate at 11881 Cypress Valley Drive, San Diego, CA 92131. Mom owned 100% of the equity of the real estate at 6323 Caminito del Cervato, San Diego, CA 92111 ("House A"), and the proceeds from the sale of House A were used to purchase the real estate at House B.

Your decision to omit Mom's name from the title at House B is either (i) negligence or (ii) willful misconduct; your decision might also be considered elder abuse.

With Plan A in motion, we will work on a longer-term plan, since Mom cannot live alone. She is lonely and depressed, and she is not able to make her own decisions. This spring, Mom needs to be transferred to an assisted-living facility, preferably in San Diego.

As Mom's first-born son, this is your time to act. Mom has always been a difficult person, and she has often been her own worst enemy. However, avoidance is not a strategy, and you have been negligent for too long.

### **Actions, Not Words**

In times of adversity, a person reveals its character; a person is measured by its actions, not its words.

In every situation, "I'm busy" is never a valid reason, since everyone has 24 hours in a day. "I'm busy" does not convey a lack of time; "I'm busy" simply conveys a lack of priority.

During Christmas 2018, I called you three times on three separate days; more than 5 days after my last call, you emailed me at the end of the day on January 02, 2019.

Unfortunately, your negligence is a behavior pattern.

\* According to my records, you visited Mom in Toledo only two times in a 10+ year time period; however, these trips were primarily trips to visit with Seema Kulkarni's parents in Toronto, and the visits to Toledo were side trips that you made without your wife.

\* On a number of occasions, Mom visited her homes at House A and House B. Richard Joseph informed me that he disapproved of Mom's visits to San Diego, because she always returned to Toledo in a weakened state. For Mom, the lack of hospitality in San Diego had emotional and physical consequences.

\* On December 15, 2006, I paid Mom's mortgage balance of \$127,379.36; with this payment, the mortgage balance on her home at 6036 Quarrys Edge Lane, Sylvania, OH 43560-9877 was reduced to \$0. Despite her age, Mom was working full-time, because she felt burdened by the mortgage payments. I paid the mortgage balance to allow Mom to retire; I did not wait for you to make your 50% contribution, since I believed that time was essential.

\* In the summer of 2009, I spoke with Richard Joseph; he told me that Mom was unlikely to live another 6 months. She was having spinal issues, and Richard Joseph encouraged me to return to the US. Even though I was living and working in Singapore, I made arrangements to assist Mom in Toledo for more than 8 months. I was miserable; however, I honored my duty, because I knew that you would be negligent in your duty.

During this 8+ month rescue, Richard Joseph told me, "She treats you like a punching bag." It was nice to hear someone else vocalize my thoughts, because I know that she uses me as a proxy to handle her unresolved issues with Dad. It is fundamentally unfair, but I think she lacks the self-awareness to change her behavior.

In high school, I advised her to leave him, but she chose to stay in a dysfunctional relationship for more than 30 years.

### **Why, Not What**

Your lack of urgency is disconcerting, and your lack of involvement is abusive.

While you should act for your mom, you should also act for your children. If you fail to act, your children will eventually realize that you failed to act, and their resentment will be justified.

There is a natural conflict between a wife and a mother, and I believe that most of your actions are designed to avoid conflict with your wife, at the expense of your mom. This is reflected in the negligence previously detailed, and it is also reflected in small details that are often overlooked. While you call Mom every day, you call her away from the watchful eyes of your wife. Generally, this means that you call Mom during your work commute, and you exclude her from your daily life with your wife.

Years ago, you stated, "I need to train her."

You were speaking about Seema Kulkarni, and you recognized that her behavior was inadequate. At the time, you were searching for a purpose: you had failed the California bar on multiple occasions, you were working as a clown, and you became obsessed with weightlifting. You wanted something to fill the void, and you chose to save someone.

I think your desire to save someone comes from your inability to save Mom and Dad from themselves and to save them from each other. However, you should have focused on saving yourself first. When a person has saved itself, a person can be true in the world.

### **Visitation Policy: Kulkarni Family**

Years ago, you explained your hesitation for Mom to visit House A and House B. You informed me that you did not want to set a precedent, since Mom's visits would serve as a precedent(s) for Seema Kulkarni's parents to stay in San Diego.

Effective immediately, we are introducing a visitation policy for the Kulkarni family; this visitation policy shall be implemented retroactively. No member of the Kulkarni family may stay at 11881 Cypress Valley Drive, San Diego, CA 92131 without the prior written consent of Mom. With written permission, a member of the Kulkarni family will be allowed to visit, provided a fee of \$100/person/night is paid in advance. This is a below-market rate, and these visitation fees will be used exclusively to pay for Mom's healthcare expenses.

Since this policy is implemented retroactively, there are substantial visitation fees that are currently due. For the Kulkarni family, the existing balance will need to be paid in advance of any future visits.

**Conclusion: If Not Now, When?**

You are my only brother, and I love you unconditionally. However, I believe that your failure to act is having life-threatening consequence for Mom. If Mom commits suicide, it is solely on your shoulders.

Please convey Plan A to Mom as soon as practicable. Since Mom is not able to handle travel logistics, you and your wife should be primarily responsible for logistical details. Given her lack of employment, your wife should be able to handle many of the administrative details of Mom's upcoming visit.

On Monday, I will petition the City of San Diego to add Mom's name to the title of the real estate at 11881 Cypress Valley Drive, San Diego, CA 92131. Also, I will send you an invoice for your 50% share of the mortgage payment; I would like this to be paid by January 31, 2019. Given the delay in your 50% contribution, your share will include substantial interest and penalties.

For administrative purposes, please sign your acceptance of these terms and conditions; your written consent to Plan A is requested by 5pm PST on Sunday, January 13, 2019. In addition to email, this letter is being mailed to you via certified mail.

Sincerely yours,



Deepak Moorjani

cc:

Jennifer Compton  
Sun Federal Credit Union  
1627 Holland Road  
Maumee, OH 43537

Rosemarie Osowik, MD  
4041 Sylvania Ave., Suite 204  
Toledo, Ohio 43623

On Mom, Plan A, I agree without reservation to the terms and conditions as specified on January 09, 2019.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_



Exhibit F

Sender: Deepak Moorjani

Date: December 30, 2019

# MEMORANDUM

---

**Monday, December 30, 2019**

**to: Seema (Kulkarni) Moorjani**  
**to: Sunil Moorjani**  
**cc: Jennifer Compton**  
**cc: Danny DeNune**  
**cc: Suneel Kulkarni**  
**cc: Manisha Moorjani**  
**cc: Dr. Zubie Moorjani**  
**cc: Sue Stolar**  
**cc: Lisa Stout**

## **Seema/Sunil: The 10-Day Plan**

Osho: "The moment a child is born, the mother is also born. She never existed before. The woman existed, but the mother, never. A mother is something absolutely new." and so in you the child your mother lives on and through your family continues to live... so at this time look after yourself and your family as you would your mother for through you all she will truly never die."

Mom is currently stranded in Sylvania, Ohio under full-time care, and I believe that Seema and Sunil's willful misconduct is the primary reason for this situation.

Consequently, we will implement The 10-Day Plan; the 10-Day Plan should be implemented by January 10, 2020.

- 1. Relocate Mom to her house in San Diego.**  
Seema and/or Sunil will fly to Ohio and personally escort Mom to her house in San Diego, a 4 bedroom, 2 bath house with 2,347 square feet of living space. Given her career flexibility, Seema is the better choice to serve as Mom's escort.
- 2. Actively manage Mom's personal affairs.**  
Seema and Sunil will actively manage Mom's administrative responsibilities, including her healthcare requirements. Since Mom has chosen to remain financially illiterate, Seema will maintain Mom's books and records under our supervision. Given Seema's background and experience, Seema is well-positioned to serve as Mom's bookkeeper.

**eyes only**

**Mom/Dad: Emotional Immaturity**

Aunt Uma: There was always tension in the house.

As children, Sunil and I witnessed Mom attempt to commit suicide. As I remember, we were in junior high school, and we had attended a wedding in Columbus, Ohio.

At the time, we were driving in our orange camper van. During the return trip to Toledo, Mom and Dad engaged in a heated argument; as children, we witnessed the yelling and screaming that had become a normal part of our childhood experience. Mom was scared, and she fled to the back of the camper van.

During the argument, Mom opened the rear sliding door; she wanted to jump from the camper van, but after a few seconds of consideration, she decided to abort her jump. We were traveling on the interstate highway at 80mph. If the fall had not killed her directly, she would most certainly have been killed by one of the trailing cars.

The best predictor of a future suicide attempt is a previous suicide attempt. When I spoke with Jennifer Compton on January 08, 2019, I was unsurprised on an unconscious level. Mom has always had a poor self-relationship, and I think she has always struggled with anxiety and depression. To this day, I can hear her negative self-talk that I heard as a child (e.g. "I am stupid," "I am ugly").

Mom often said to me, "You're just like your father," but she unfairly used me as a proxy to express her repressed anger towards my dad. In reality, I was not like either of my parents. As a child, I recognized that it is better to learn from the mistakes of others, and in order to build a career, I had to unlearn the negative programming of my youth.

**Sunil: Repressed Anger**

Beliefs => Behavior

After receiving Jennifer Compton's suicide notification, I contacted Sunil on multiple occasions, but he chose to remain unengaged. Subsequently, I purchased a book called "The Adult Children of Emotionally Immature Parents: How to Heal from Distant, Rejecting or Self-Involved Parents." On February 08, 2019, I mailed this book to Sunil at Mom's house in San Diego.

On an unconscious level, I think Sunil struggles with the repressed anger of his childhood. As a child, Sunil was not known, seen, heard or loved in the way that he needed; I think Sunil's relationship with Seema has been an attempt to satisfy the unmet needs of his childhood. Sunil projected his unmet needs onto Seema; he fell madly in love with a woman that he barely knew.

Since water seeks its own level, Seema probably entered the relationship from a place of neediness. Upon moving to San Diego, she almost immediately moved into Mom's house in San Diego, without Mom's knowledge or Mom's permission. Seema lied to her parents about her living situation; she falsely claimed to live in her San Diego apartment. Eventually, Seema demanded that Sunil buy a new house for them to live. Seema did not want to live in Mom's house in San Diego; she learned that Sunil had sexual relations with a previous girlfriend (e.g. Julia), and I think Seema considered the house to be "dirty."

**Seema/Sunil: Elder Abuse**

Mom: You are all I have left.

In his desire to maintain Seema's approval, Sunil exhibits people-pleasing behavior. However, people-pleasing disempowers everyone; it disempowers Sunil and it disempowers Seema. Sunil fails to recognize that his people-pleasing behavior is fundamentally selfish; he is simply seeking to satisfy the unmet needs of his childhood.

Mom feels rejected by Sunil; since his marriage, Sunil is "busy," and he has generally ignored Mom and Dad. His visits to Mom have been almost nonexistent, and his visits to Dad have been nonexistent. After his marriage, Seema and Sunil traveled to Canada to visit Seema's parents for a week; Seema went directly to Canada, and Sunil stopped to see Mom and Dad for an afternoon.

Given her low self-esteem, Mom accepts the status quo, because she is afraid that she will lose Sunil completely.

Sunil: I don't want to set a precedent.

On one occasion, Sunil explained that he did not want Mom to stay in her house in San Diego, because he did not want to set a precedent for Seema's parents. However, there is no basis for Seema's parents to stay in Mom's house in San Diego, but there is a basis for Mom to stay in Mom's house in San Diego.

In my opinion, Sunil's passive-aggressive rejection of his parents is rooted in the repressed rage of his childhood injuries. Sunil fails to realize that Mom and Dad's acts of poor parenting were not a personal rejection of him; Mom and Dad's acts of poor parenting were a function of their poor self-relationships.

Each of my parents has a poor self-relationship, and this pervaded their interactions with the world. A person must love itself before it can love another; a person's self-relationship provides a template for its relationships with others.

Mental health => Physical health

When I was in high school, Uncle Mahesh called the house. He spoke to me privately, and I could sense that he was struggling. When I was a child, he had been kind and generally carefree. In his life, he had a long history of academic failures and career setbacks, and over time, he fell into isolation and loneliness.

From his brothers (Dad, Moti, Kishin, Jaswant, Tulsi), Uncle Mahesh did not receive the help that he needed, and he was eventually sent to a mental institution. Subsequently, Uncle Mahesh committed suicide.

When I moved from Singapore to Ohio, Mom's health was failing, and I think that the consistent presence of a family member nourished her recovery. Thus, the best plan for Mom is to move to San Diego and live in her house with her family members.

Further, Sunil should evaluate his subconscious beliefs; I think he is perpetuating the cycle of dysfunctional relating that he learned from his parents. Sunil must eliminate the negative programming that manifests in his behavior; his children will emulate his behavior, and his children will perpetuate the cycle of dysfunctional relating.

Exhibit G

Sender: Jennifer Compton, Sun Federal Credit Union

Date: February 01, 2019

Jennifer Compton <jennifer.compton@sunfcu.org>

February 1, 2019 5:15 AM

From: Jennifer Compton <jennifer.compton@sunfcu.org>

To: "moorjani@gmx.com" <moorjani@gmx.com>

Subject: Sun Federal Credit Union - Sun Fed - Your Mom

Your Mom

---

Hi Sunil,

I just wanted to give you a little bit of information regarding your mom. I visited her a few weeks ago to help with her bills and checking account. She was not doing good that day. She was very upset and extremely anxious. She couldn't remember if she had taken her medicine. She was very shaky. She was really mad at herself that she left California and thought it was a big mistake.

She stated that she is not doing good and thought she should "just commit suicide". I told her that I was extremely worried about her and that I was going to call 911. She really got upset and made me promise that I wouldn't call 911. When I got back to the office I contacted Deepak because I didn't know who else to contact and I would never forgive myself if something happened to her.

She really shouldn't be driving and being by herself seems very hard for her.

If you would like to talk please feel free to contact me.

Thanks and have a good weekend.

**Jennifer Compton**

*Director of Business Development (NMLS #809440)*

Phone: 419.794.7482

Fax: 419.893.5071



1627 Holland Road | Maumee, OH 43537-1622 | 800.786.0945

Follow Sun Federal:



This email and any files transmitted with it are the property of Sun Federal Credit Union, are confidential, and are intended solely for the use of the individual or entity to which this e-mail is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Any opinions expressed are those of the sender and do not necessarily represent those of Sun Federal Credit Union.

Warning: Computer viruses can be transmitted via email. Although the credit union has taken reasonable precautions to ensure no viruses are present in this email, the credit union cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

Exhibit H

Sender: Deepak Moorjani

Date: May 22, 2021

May 22, 2021 5:02 PM

To: seemakulkarni@yahoo.com  
Cc: moorjani@gmx.com, ladybird\_7@hotmail.com, zubiemoorjani@icloud.com, gulmoorjani@yahoo.com  
Subject: Mom's state of mind and her state of health

2 Attachments, 5.7 MB

Hi Seema,

The attached recordings demonstrate your mother-in-law's state of mind and her state of health. One was taken at 3:57pm PST, and the other was taken at 4:12pm PST.

--  
Deepak Moorjani

Confidentiality Notice:  
This e-mail message, including any attachments, is for the sole use of the intended recipient(s).  
Any unauthorized review, use, disclosure or distribution of this information is prohibited.  
If this was received in error, please (i) notify the sender by email and (ii) destroy all copies of the original message.



2021051815...m4a (5.1 MB)

2021051816...m4a (591 KB)



Exhibit I

Sender: Deepak Moorjani

Date: May 20, 2021

Thursday, May 20, 2021

*memorandum*

To: Seema (Kulkarni) Moorjani  
From: Deepak Moorjani  
Subject: Notification of Elder Abuse

This memorandum is an official notification of Seema Moorjani and Sunil Moorjani's elder abuse. Seema Moorjani and Sunil Moorjani's failure to perform constitutes elder abuse, and their elder abuse will necessarily be punished.

- On January 09, 2019, I notified Seema Moorjani and Sunil Moorjani of the suicide red flag raised on January 08, 2019 by Jennifer Compton of Sun Federal. Unfortunately, Seema Moorjani and Sunil Moorjani chose to ignore the recommendations made in my notification.
- On December 20, 2019, I notified Seema Moorjani and Sunil Moorjani of The 10-Day Plan, and Seema Moorjani and Sunil Moorjani failed to implement this plan.

On May 11, 2021, I spoke with Jennifer Compton of Sun Federal. She was disconcerted by her recent visit to my mom's house, and Jennifer Compton confirmed my belief that my mom lacks the competence to manage her affairs. In addition to the issue of self-harm, Jennifer Compton indicated that it was possible for my mom to hurt herself and be unable to call for help. Jennifer Compton vocalized her belief that my mom might eventually be found dead by her neighbors.

My mom is currently giving me the silent treatment. While we were talking every day, my mom's silent treatment is her retaliation for raising the issues in my February 12, 2021 and March 14, 2021 letters to Seema Moorjani. Unfortunately, my mom angrily refuses to examine her behavior and to recognize that she is the common denominator in her life. However, I still call my mom every day.

On May 18, 2021, my mom meant to terminate my call, but she hit the wrong button. Therefore, I heard her conversation with her helper, and my mom stated, "I don't want to talk to him."

For verification purposes, I recorded the conversation, and the recording confirms these issues:

- My mom lacks the competence to make her own decisions: my mom asks her helper what she should do about her appointment, and my mom subsequently takes the helpers advice without question. My mom also plays the role of the helpless child: she subsequently asks the helper to call on her behalf, because she is unable to manage her affairs. (Note: My mom has never had the competence to make her own decisions, and this is a function of her low self-esteem.)
- My mom is tormented by her loneliness, and she repeatedly tries to manipulate her helper into staying longer. My mom is terrified of being alone: in the sound of her voice, one can hear my mom's desperation as she consistently tries to prevent the helper from leaving.

Sunil is still angry that he did not receive the love and attention that he wanted as a child, and his quest for external validation drives him to satisfy Seema's compulsive neediness. However, Sunil should realize that my mom's behavior has always been driven by her low self-esteem, and my mom does not love herself. She was unable to give Sunil what she does not have for herself.

*Thursday, May 20, 2021*

*Distribution List*

cc: Ashok Kulnarni  
cc: Gul Moorjani  
cc: Jas Moorjani  
cc: Jennifer Compton  
cc: Lisa Stout  
cc: Lynn Balshone Jacobs  
cc: Karen Denune  
cc: Manisha Moorjani  
cc: Martin Rowbottom  
cc: Maureen Zdanowicz  
cc: Moti Moorjani  
cc: Pamela Salem O'Hagan  
cc: Rosemarie Osowick  
cc: Sue Stolar  
cc: Suoeja Kummar  
cc: Suneel Kulkarni  
cc: Susan Rita Feierman Solomon  
cc: Tyler Chapman

**Exhibit J**

**Sender: Deepak Moorjani**

**Date: June 06, 2021**

June 6, 2021 8:32 PM

To: seemakulkarni@yahoo.com

Cc: moorjani@gmx.com, ladybird\_7@hotmail.com, zubiemoorjani@icloud.com, gulmoorjani@yahoo.com

Subject: Notice of Elder Abuse: Seema Moorjani and Sunil Moorjani

Notice of Elder Abuse: Seema Moorjani and Sunil Moorjani

1 Attachment, 194 KB

Hi Seema,

On May 22, 2021, I emailed two audio recordings to Seema Moorjani which demonstrate my mom's lack of competence. Subsequently, Seema Moorjani and Sunil Moorjani changed my mom's phone number in order to isolate my mom further.

Seema Moorjani and Sunil Moorjani are actively seeking to exploit my mom's lack of competence. Until May 22, 2021, my mom's cellphone number was 858.226.6036. The attached May 24, 2021 audio recording demonstrates that my mom's phone number has been changed.

My mom does not have the ability to change her number: my mom's cellphone service is controlled by Seema Moorjani and Sunil Moorjani.

This is not a one-time event, but this demonstrates a pattern of elder abuse. Previously, my mom's cellphone was 858.353.6731. Subsequent to Jennifer Compton's suicide red flag on January 08, 2019, Seema Moorjani and Sunil Moorjani changed my mom's cellphone number from 858.353.6731 to 858.226.6036 without notification.

Deepak

--

Deepak Moorjani

Confidentiality Notice:

This e-mail message, including any attachments, is for the sole use of the intended recipient(s).

Any unauthorized review, use, disclosure or distribution of this information is prohibited.

If this was received in error, please (i) notify the sender by email and (ii) destroy all copies of the original message.



2021052508...m4a (194 KB)

Exhibit D  
Adult Protective Services

APS Investigation  
Lucas County, Ohio  
Date: May 26, 2021

APS Investigation  
San Diego County, California  
Date: November 19, 2021

Jennifer Compton <jcompton@sunfederal.com>  
Relationship Manager (NMLS #809440)  
Phone: 419.794.7482  
Fax: 419.893.5071  
RE: Adult Protection Services

May 27, 2021 5:38 AM

I'm hoping for the best for your mom.

**Jennifer Compton**  
SEG Relationship Manager (NMLS #809440)  
Phone: 419.794.7482  
Fax: 419.893.5071



1627 Holland Road | Maumee, OH 43537-1622 | 800.786.0945

Follow Sun Federal:



**From:** Deepak (deepak.d@sunfederal.com) <deepak.d@sunfederal.com>  
**Sent:** Wednesday, May 26, 2021 7:07 PM  
**To:** Jennifer Compton <jcompton@sunfederal.com>  
**Subject:** Adult Protection Services

Hi Jennifer,

I spoke with Adult Protection Services in Lucas County, and I gave your name as one of the references. Here are the issues that they might consider:

- an inability to handle personal finances
- exploitation: my mom's inability to live in her house in San Diego, because Sunil and his wife (Seema) will not allow her
- recent hospitalization: last month's broken pelvis
- previous interventions: the Jan 08, 2019 suicide red flag that you correctly raised (but was ignored by most).

Have a great weekend.

Deepak

This email and any files transmitted with it are the property of Sun Federal Credit Union, are confidential, and are intended solely for the use of the individual or entity to which this e-mail is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Any opinions expressed are those of the sender and do not necessarily represent those of Sun Federal Credit Union.

Warning: Computer viruses can be transmitted via email. Although the credit union has taken reasonable precautions to ensure no viruses are present in this email, the credit union cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

*a memo from the desk of*  
*Deepak Moorjani*

Friday, November 19, 2021

Adult Protective Services  
Health and Human Services Agency  
County of San Diego  
1600 Pacific Hwy, #206  
San Diego, CA 92101

to: Adult Protective Services

subject: Zubeida Moorjani, MD

Today, I called 800.339.2021 to open an investigation, and I spoke with Pam about Zubeida Moorjani, my mother. She is an elder person who is a retired medical doctor.

On May 25, 2021, I called APS and spoke with Tiffany. At the time, my mom was living at her house in Toledo, Ohio; therefore, I was unable to file a report in San Diego. On May 25, 2021, I filed a report in Lucas County, Ohio for (i) neglect and abandonment and (ii) financial abuse.

My mom is an elder with the following issues

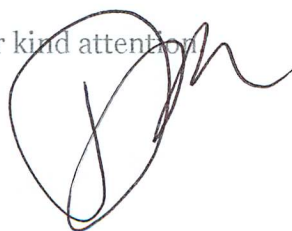
- A medical condition (e.g. high blood pressure)
- A recent hospitalization (e.g. broken pelvis)
- A person who is unable to manager her finances (e.g. pay her bills, balance her checkbook).
- A person who has had previous interventions (e.g. attached Suicide Red Flag).

These issues are described in the attached First Amended Complaint; this has been filed as a part of San Diego Superior Court Case No. 37-2021-00033119-CU-OR-CTL.

In San Diego, her contacts are

1. John Alessio. 525 B Street, Suite 2200, San Diego, CA 92101. (619) 238-1900.  
john.alessio@procopio.com
2. Seema Moorjani. 11881 Cypress Valley Drive, San Diego, CA 92131-3762. (858) 342-2837.  
seemakulkarni@yahoo.com
3. Sunil Moorjani. 11881 Cypress Valley Drive, San Diego, CA 92131-3762. (858) 342-2837.  
moorjani@gmx.com

Thank you for your kind attention



.....  
Deepak Moorjani // 881 Jackson Hill, Room 1002 // San Diego, CA 92101 9035



Exhibit E  
Dual Representation

*Disciplinary Counsel v. Jacobs,*  
109 Ohio St.3d 252, 2006-Ohio-2292

Date: May 24, 2006

**DISCIPLINARY COUNSEL v. JACOBS.**

**[Cite as *Disciplinary Counsel v. Jacobs*,  
109 Ohio St.3d 252, 2006-Ohio-2292.]**

*Attorneys — Misconduct — Dual representation — Accepting or continuing  
representation when professional judgment likely to be compromised —  
Public reprimand.*

(No. 2005-2395 — Submitted January 25, 2006 — Decided May 24, 2006.)

ON CERTIFIED REPORT by the Board of Commissioners on Grievances and  
Discipline of the Supreme Court, No. 05-055.

---

**Per Curiam.**

{¶ 1} Respondent, Frank David Jacobs of Toledo, Ohio, Attorney Registration No. 0011310, was admitted to the Ohio bar in 1959.

{¶ 2} On August 11, 2005, relator, Disciplinary Counsel, filed an amended complaint charging respondent with professional misconduct. A panel of the Board of Commissioners on Grievances and Discipline considered the case on the parties' consent-to-discipline agreement, see Section 11 of the Rules and Regulations Governing Procedure on Complaints and Hearings Before the Board of Commissioners on Grievances and Discipline ("BCGD Proc.Reg.") and made findings of misconduct and a recommendation, which the board adopted.

**Misconduct**

{¶ 3} Respondent began representing Dr. Wassef E. Michael Mikhail and his wife Salma Mikhail in 1985. The Mikhails separated in March 2001, and they divorced in June 2003. After the Mikhails' separation, respondent advised Dr. Mikhail on matters involving revisions to a revocable trust. The revisions removed Mrs. Mikhail as successor trustee and ensured that she would not have

access to the principal of the trust on Dr. Mikhail's death. Respondent also advised Dr. Mikhail to transfer some of his assets to keep them from Mrs. Mikhail.

{¶ 4} Despite his representation of Dr. Mikhail while the divorce was pending, respondent also advised Mrs. Mikhail on the drafting of a will. As Mrs. Mikhail directed, the new will that respondent prepared for her eliminated Dr. Mikhail as executor and beneficiary of her estate. Respondent did not provide full disclosure to Mrs. Mikhail of his representation of her husband and did not attempt to obtain her consent for the dual representation.

{¶ 5} Respondent acknowledged and the board found that respondent had thereby violated DR 5-105(B) (prohibiting a lawyer from accepting or continuing to represent clients if the lawyer's professional judgment on any client's behalf is likely to be compromised by the representation).

#### Sanction

{¶ 6} In recommending a sanction for this misconduct, the board considered the aggravating and mitigating factors listed in BCGD Proc.Reg. 10. The board stated that there were no aggravating factors, but did identify several mitigating factors, including the absence of any prior disciplinary record, the absence of any dishonest or selfish motive on the part of respondent, his full disclosure and cooperative attitude during the disciplinary process, and the absence of any financial harm to Mrs. Mikhail. The board further noted that respondent had submitted written statements from 16 judges, clients, and other attorneys about his good character and reputation. BCGD Proc.Reg. 10(B)(2)(a), (b), (d), and (e).

{¶ 7} The parties recommended that respondent be publicly reprimanded. The panel and the board agreed with this recommendation.

{¶ 8} We agree that respondent has committed the misconduct described above, and we agree that a public reprimand is the appropriate sanction. "[A]

lawyer's duty to provide undivided loyalty to a client is paramount." *Columbus Bar Assn. v. Ross*, 107 Ohio St.3d 354, 2006-Ohio-5, 839 N.E.2d 918, ¶ 29. Lawyers must avoid all actual and potential conflicts of interest so as not to dilute their independent loyalty to each client. Respondent's misstep in this regard is allayed, however, by his many years of unblemished legal practice, as well as the other mitigating factors cited by the board. All of the letters presented to the board on his behalf speak to respondent's integrity, competence, and professionalism, and we trust that a public reprimand is sufficient to ensure that this misconduct will not recur.

{¶ 9} Accordingly, respondent is publicly reprimanded. Costs are taxed to respondent.

Judgment accordingly.

RESNICK, PFEIFER, LUNDBERG STRATTON and LANZINGER, JJ., concur.

MOYER, C.J., O'CONNOR and O'DONNELL, JJ., dissent.

---

**MOYER, C.J., dissenting.**

{¶ 10} I would suspend respondent for six months and stay the suspension on the condition that he commit no further misconduct during that term.

O'CONNOR and O'DONNELL, JJ., concur in the foregoing dissenting opinion.

---

Jonathan E. Coughlan, Disciplinary Counsel, and Brian E. Shinn, Assistant Disciplinary Counsel, for relator.

James D. Caruso, for respondent.

---

Exhibit F  
Demand Letters

Brigid Heid, Eastman & Smith

Date: October 07, 2021

Suojea Kummar

Date: August 31, 2021

Thursday, October 7, 2021

*a memo from the desk of*  
**Deepak Moorjani**

Brigid Heid  
Eastman & Smith  
100 East Broad Street, Suite 2100  
Columbus, OH 43215

**Re: Frank Jacobs of Eastman & Smith**

cc: Hossein Elgafy	cc: Julia Tirella	cc: Jun Makihara	cc: Karen Denune
cc: Kent Murphree	cc: Lachman Chablani	cc: Lynn Balshone Jacobs	cc: Martin Rowbottom
cc: Melissa Backshall	cc: Paul W. Favorite	cc: Rainer Esser	cc: Richard H. Walker
cc: Sarah Skow	cc: Seema Moorjani	cc: Sueoja Kummar	cc: Susan Solomon

***Disciplinary Counsel v. Jacobs, 109 Ohio St.3d 252, 2006-Ohio-2292.***

- The Ohio Supreme Court, which governs the conduct of the state's attorneys, reprimanded Frank David Jacobs of Sylvania Township for representing both a husband and wife during their divorce.
- Mr. Jacobs began representing Dr. Wassef E. Michael Mikhail and his wife, Salma, in 1985. The Mikhails separated in March, 2001, divorcing in 2003.
- In his dissent, Chief Justice Moyer wrote he would have suspended Mr. Jacobs for six months and stayed the suspension on condition that he commit no further misconduct during that term.

***Lisa Stout: "He turned your mother against you."***

Deepak Moorjani v Seema Moorjani, et al. (Case #37-2021-00033119-CU-OR-CTL) has been filed in the Superior Court of California, County of San Diego.

In this litigation, we will necessarily examine my mother's inability to manage her service providers (e.g. Frank Jacobs of Eastman & Smith, Sueoja Kummar of Ajus Consultants). On August 31, 2021, I asked Sueoja Kummar of Ajus Consultants to disclose the commissions, fees and other revenues that she has generated from her relationship with Zubeida Moorjani. This letter discusses Frank Jacobs of Eastman & Smith.

Until his passing in 2007, former Lucas County Prosecutor Anthony Pizza competently represented Zubeida Moorjani in her personal matters. Since 2007, I do not believe that Zubeida Moorjani has had competent legal representation. As a private equity investor, I believe that Frank Jacobs of Eastman & Smith is a dirty, small-time lawyer who should have been disbarred many years ago.

Over the years, Zubeida Moorjani has had multiple warnings on Frank Jacobs of Eastman & Smith: Lachman Chablani and Nancy Chablani delivered the earliest warnings on Frank Jacobs and Lynn Balshone Jacobs. At the time, Lachman Chablani and Nancy Chablani resided at 3455 Chapel Court in Sylvania, Ohio.

Further, Wassef Mikhail and Zubeida Moorjani were professional colleagues for many decades in Toledo, Ohio.

***Background***

- In December 2018, Zubeida Moorjani abruptly aborted her winter vacation in San Diego, California. During an episode of anxiety (and depression), Zubeida Moorjani aborted her winter vacation in order to seek immediate counsel from her physician in Toledo, Ohio.
- On December 24, 2018, Zubeida Moorjani stated, “Jacobs said - Mr. Jacobs said I have to have someone with you - with me - when you come here.”
- On December 24, 2018, Zubeida Moorjani further stated “And I talked to Mr. Jacobs. He said he has to clear the restraining order before you can take a step. And I don't know.”
- On December 25, 2018, Zubeida Moorjani wrote, “The restraining order has not been rescinded so I'm afraid for you to come here and I'm not strong enough at the moment to debate any issues.”
- On January 08, 2019, Jennifer Compton of Sun Federal Credit Union informed me that Zubeida Moorjani declared, “I should just commit suicide.”
- On January 11, 2019, I delivered by certified mail a notification of suicide risk (the “Suicide Red Flag”) to Rosemarie Osowick, MD. This Suicide Red Flag was also delivered to Louise A. Jackson of Eastman & Smith.
- Subsequently, Frank Jacobs of Eastman & Smith contacted Jennifer Compton of Sun Federal Credit Union. Frank Jacobs asked Jennifer Compton to notarize Zubeida Moorjani's legal documents.

Please assist our evaluation of Frank Jacobs of Eastman & Smith. Please provide your written responses to the following questions in a notarized affidavit.

- At Eastman & Smith, how often do legal professions seek an external notary public?
- How many notaries public does Eastman & Smith have internally?
- Is Cindy Briggs a notary public? Is Frank Jacobs a notary public? Is Lynn Balshone Jacobs a notary public?
- Rosemarie Osowick is married to Thomas Osowick. Currently, Thomas Osowick is a judge of the Ohio Sixth District Court of Appeals. What is Frank Jacobs' professional relationship with Thomas Osowick?
- When did Frank Jacobs request a restraining order against Deepak Moorjani, and what was Frank Jacobs' legal argument for a restraining order?
- Do you agree that Frank Jacobs' conduct demonstrates his elder abuse of Zubeida Moorjani?
- At the time of his request, did Frank Jacobs have a preexisting professional relationship with Jennifer Compton? Did Eastman & Smith have a preexisting professional relationship with Sun Federal Credit Union?
- Do you agree that Frank Jacobs' request to Jennifer Compton demonstrates his willful misconduct?

- In *Disciplinary Counsel v. Jacobs*, the nominal decision was 4-3, but the effective decision was 7-0. Three judges dissented, because they believed that Frank Jacobs of Eastman & Smith should have received a harsher penalty. Do you agree that Frank Jacobs of Eastman & Smith is a dirty, small-time lawyer who should have been disbarred many years ago?
- Frank Jacobs has been publicly reprimanded for his failure to disclose a conflict of interest, and this failure might represent a pattern of behavior rather than a one-time exception. Is Frank Jacobs of Eastman & Smith involved in Michael Cohrs' criminal coverup at Deutsche Bank?

Please provide your written responses to the preceding questions in a notarized affidavit, and please deliver this notarized affidavit to the following people:

- Adam Nightingale of Eastman & Smith
- Eric Kastner of Kastner Kim \*
- Gregg Francis Vignos of Orinda, California \*
- John Alessio of Procopio, Cory, Hargreaves & Savitch \*
- Louise Jackson of Eastman & Smith
- Kevin Heban of Heban, Murphree & Lewandowski
- Marina Gorbis of The Institute for the Future
- Mark J. Coleman of InterMedia Advisors, LLC \*
- Martin Rowbottom at 8389 Reagan Glen, San Diego, CA 92127
- Maureen O'Connor of The Supreme Court of Ohio
- Nancy Yamaguchi of Morgan Lewis & Bockius \*
- Paul W. Favorite of Shumaker, Loop & Kendrick
- Rainer Esser of Zeitverlag Gerd Bucerius GmbH & Co
- Sarah Skow of Spengler Nathanson
- Seema Moorjani at 11881 Cypress Valley Drive, San Diego, CA 92131
- Susan Rita Feierman Solomon of Palo Alto, California \*
- Terrence O'Donnell of The Supreme Court of Ohio
- Timothy Backshall of Capital Context

\* These individuals are members of the California Bar Association, and their contact information is publicly available . . . . .



**Addendum: Lynn Balshone Jacobs**

<b>Date</b>	<b>Speaker</b>	<b>Quote</b>
November 21, 2011	Lynn Balshone Jacobs Columbus School for Girls Class of 1960	“Lynn Balshone Jacobs has just been appointed to a third (and final) three-year term, by the Ohio Supreme Court, to its Board of Commissioners on Grievances and Discipline. That is the arm of the Supreme Court which conducts trials of Ohio attorneys alleged to have violated attorney ethics rules. Its recommendations go to the Supreme Court which metes out the final disciplinary sanction, which can be anything from a public reprimand to permanent disbarment. Lynn also serves as an appointee (4 year term) to the Lucas County Commissioners to the Lucas County Children's Services, as chair of its Public Affairs Committee, which follows state and federal legislation affecting the interests of all children in Lucas County whom this agency protects from maltreatment. As much as Lynn enjoys these stimulating retirement avocations, her favorite activity is family time. In March, Frank and Lynn enjoyed a week in Palm Desert, CA, with their family who traveled to San Diego, Reno and Dallas to give them “quality time” with their five young grandsons!!! What a blessing!”
October 03, 2012	Lynn Balshone Jacobs Columbus School for Girls Class of 1960	“Lynn Balshone Jacobs and Frank continue to be enamored with their five grandsons, son Bruce's 12, 10, and 8 year old sons in Dallas, and Joy's almost 6 year old twin sons in San Diego! She wonders why clothing manufacturers don't get more creative with boys clothing. Lynn is fortunate to be able to continue her quasi-judicial work hearing attorney ethical misconduct cases on behalf of the Ohio Supreme Court. Regards to all classmates...”
April 17, 2017	Lynn Balshone Jacobs Columbus School for Girls Class of 1960	“I count my blessings and thank my son, Bruce for his donated kidney to his mom three years ago. I am truly relishing every branch and beautiful flower on our family tree. Children and grandchildren make trips to see utterly warm climates. My husband, Frank is still practicing law full time in Toledo. In between trips, my current project is the founding of the Toledo Jewish Historical Society. And a unique collaboration is happening between other Jewish Historical Societies and the Lucas County Library System. It will permanently archive and digitize our rich history - over 170 years!”

Tuesday, August 31, 2021

*a memo from the desk of*  
**Deepak Moorjani**

Suoja Kummar  
Ajus Consultants  
6029 Renaissance Place, Suite D  
Toledo, OH 43623

*Subject: Disclosure of commissions, fees and other revenues*

Deepak Moorjani v Seema Moorjani, et al. (case number #37-2021-00033119-CU-OR-CTL) has been filed in the Superior Court of California, County of San Diego. In this case, we will necessarily need to evaluate my mother's state of competence.

In my opinion, my mother has never had the competence to manage her life. While my mom is in a state of denial, my mother demonstrates her lack of competence by her inability to manage her service providers (e.g. legal and accounting).

In 2013, Sunil Moorjani informed me that Suoja Kummar had generated tens of thousands of dollars in commissions, fees and other revenues from her relationship with our mother; however, Sunil Moorjani declined to intervene on his mother's behalf.

Family are inviolable relationships; however Sunil Moorjani "divorced his parents," because he did not receive unconditional love from his parents. As a child, Sunil Moorjani was forced to serve as the parent to his mother and his father, because his mother and his father selfishly behaved as children. As a child, Sunil Moorjani understood that his parents were emotionally neglectful and emotionally abusive; however, Sunil Moorjani failed to realize that his parents' poor behavior was primarily a consequence of their poor relationships with themselves. As a child, Sunil Moorjani failed to realize that his parents' poor behavior was not an accurate assessment of his value as a human being.

As an adult, Sunil Moorjani has not healed from his childhood injuries, and his unhealed childhood injuries drive his subconscious motives and egoic behavior. While anger is often the first stage in the healing process, Sunil has chosen to stay in a state of anger; however, Sunil Moorjani should understand causality, because the understanding of causality creates the space to be compassionate.

My mother was born unwounded; however, she is burdened by the limiting beliefs that she learned in her childhood, and negative thoughts lead to negative feelings lead to negative behaviors. As a child, my mom learned to be a victim as a way to obtain the love and affection that she needed. While childhood leads to adulthood, childhood injuries are time invariant. As an adult, my mother still lacks the ability to self-soothe, and my mother continues to create drama in order to obtain the love and affection that she needs. Although she is lonely, my mother fails to realize that she is the common denominator in her life, and my mother actively pushes people away with her poor behavior.

In the attached letters to Jeffrey Auld of SagePoint Financial and Robert Benmosche of AIG, I have requested a full disclosure of Suoja Kummar's commissions, fees and other revenues generated from her relationship with Zubeida Moorjani. Please send a notarized statement of commissions, fees and other revenues to the following individuals: (i) Seema Moorjani at 11881 Cypress Valley Drive, San Diego, CA 92131, and (ii) Martin Rowbottom at 8389 Reagan Glen, San Diego, CA 92127.

cc: Ashok Karnani

cc: Brigid Heid

cc: Floradeliza Moorjani

cc: Hossein Elgafy

cc: Jennifer Compton

cc: Julia Tirella

cc: Lisa Stout

cc: Lynn Balshone Jacobs

cc: Lachman Chablani

cc: Karen Denune

cc: Martin Rowbottom

cc: Maureen Zdanowicz

cc: Seema Moorjani

cc: Shirley Joseph

cc: Sue Stolar

cc: Susan Solomon

.....



**PERSONAL AND CONFIDENTIAL**

*Via Certified Mail*

June 30, 2013

Mr. Jeffrey Auld (CRD #857528)  
SagePoint Financial, Inc. (CRD #133763)  
2800 N. Central Ave., Suite 2100  
Phoenix, AZ 85004-1072

Reference: Ms. Suoeja Kummar (CRD #2295191)

Dear Mr. Auld,

I hope this note finds you well.

This letter serves as an official information request. This request is sent subsequent to a recent call with one of your brokers, Suoeja Kummar (a/k/a Suja Kumar, a/k/a Sue Kumar, hereinafter the "Broker" or "Ms. Kummar"). For reference, Ms. Kummar can also be identified as CRD #2295191

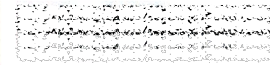
This call occurred on June 26, 2013 at 7:45 am for a duration of 4 minutes and 32 seconds.

At the beginning of the call, I asked Ms. Kummar to provide her last name (until this point, she had only identified herself as Suoeja) in order to properly identify the the Broker. The Broker reluctantly provided her last name. I also asked for her company name, and the Broker initially responded, "There is no company." The receptionist had identified the company as Ajus Consultants (Note: Ajus is Suja spelled in reverse). Upon reminding the Broker of this fact, the Broker subsequently responded that Ajus was a completely different company which operates as an accounting firm. Upon further questioning, Ms. Kumar acknowledged that she is not a licensed CPA, and she indicated that she was a broker through SagePoint Financial, Inc. (hereinafter "SagePoint").

The contemplated transaction is an exchange of Dr. Zubie Moorjani's life insurance policies for long-term-care insurance. In the Broker's words, the purpose of the call was to "get the children on board." This is a curious statement from the youngest participant on the call. More importantly, we note that the Broker is registered in California, Florida, Indiana, Massachusetts, Michigan, New York, North Carolina and Ohio; however, the Broker is not registered in Nevada.

Upon prompting for Ms. Kummar's incentive in the transaction, Ms. Kummar made an explicit representation that she had "no role, no incentive." Ms. Kummar subsequently - at the 4 minute and 32 seconds mark - unilaterally terminated the call without notice.

The Broker's reaction seems to demonstrate a lack of comfort with transparency, especially as it relates to her commissions and fees. An objective third-party observer would assume that the Broker is feigning friendship with Dr. Moorjani in order to generate large commissions for SagePoint and for herself. This is a special concern given that Dr. Moorjani is an unsophisticated 75+ year-old senior citizen with a long history of poor financial decisions.



To evaluate the objectivity of the Broker's advice, the Broker should deliver - in writing - the following details to Dr. Moorjani no later than July 25, 2013:

(i) A written confirmation of the Broker's representation that she has "no role, no incentive" in the contemplated life insurance transaction(s). This confirmation should detail all commissions, fees and other revenues paid by Dr. Moorjani directly or indirectly to SagePoint, to the Broker or to any of the Broker's other operating companies, including but not limited to Ajus Consultants. We note that the "no role, no incentive" representation is a curious claim for a Broker who is registered with FINRA as an Investment Company Products/Variable Contracts Representative and an Investment Company Products/Variable Contracts Principal.

(ii) A written confirmation of all commissions, fees and other revenues paid by Dr. Moorjani to the Broker at SagePoint (since January 2009) and its related companies and/or predecessor firms since the inception of the broker relationship. This written confirmation should include the Broker's employment at AIG Financial Advisors, Inc. (Oct 2005-Jan 2009), SunAmerica Securities Inc. (Dec 2001-Oct 2005), and FSC Securities Corp (Sept 2001-Dec 2001).

Please note that this letter is personal and confidential and may not be used - internally at SagePoint or externally - without my prior written permission. I reserve all copyright. Any disclosure without my written consent shall be governed by, construed, and enforced exclusively in accordance with the laws of the State of Nevada.

If you have any questions, please feel free to contact me at the address above.

Sincerely yours,

Deepak   
Deepak Moorjani

cc: Ms. Suoeja Kummur  
Dr. Zubie Moorjani  
Mr. Sunil Moorjani

State of Nevada  
County of Clark  
Signed and Sworn to before me on  
this 9 day of July, 2013,  
by Deepak Moorjani.





[illegible]

PERSONAL AND CONFIDENTIAL